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RECORDS OF THE CAPE COLONY.



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RECORDS

OF THE

CAPE COLONY

From 1st JANUARY to 6th FEBRUARY 1826.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY
GEORGE M^CCALL THEAL, D.LIT., LL.D.,
COLONIAL HISTORIOGRAPHER.

VOL. XXV.

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1905.

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RECORDS OF THE CAPE COLONY.

[Copy.]

Government Advertisement.

HIS EXCELLENCY THE GOVERNOR has observed in his late Tour, that the Arms of Private Persons have been placed over the Drostdies, and also that the Seals of the same Families are still continued to be used in all the public transactions.

And although His Excellency is disposed to pay every testimony of respect to the distinguished and Patriotic Persons who have held the high stations in those Districts, still he conceives that no other Arms and Insignias, but those of His Majesty the King of England, can be allowed in such situations ; and that the present usage is quite derogatory to the general dignity of Government.

His Excellency therefore desires that the several Landdrosts will take measures for placing His Majesty's Arms in front of the Drostdies, in the most conspicuous places ; and His Excellency has directed that a sufficient number of Seals, with the King's Arms, and the name of the Drostdy, be prepared for distribution.

Castle of Good Hope, 14th January, 1814.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas that fertile part of the Colony formerly known by the name of the Zuureveld, and now called Albany, has, by the Military exertion of His Majesty's Forces, in conjunction with the good People of this Colony, been recovered from those savage and destructive enemies, the Caffres : And whereas I am most anxious to promote the re-peopling and the cultivation of that District, I hereby make known and declare, that to such Persons who may be inclined to settle there, and to conform to such Regulations as I, or the Governor for the time being, may deem necessary for their own personal safety, and the public security, by building in a manner and in places to be pointed out to them by the Landdrost, I will grant in perpetuity, according to the rules and customs of this Colony, in perpetual and moderate Quitrent, certain Tracts and Proportions of Land, after admeasurement, and upon Diagrams formed.

And I further make known, that the Proprietors shall be excused the Rent reserved for Ten Years, provided the conditions agreed upon between the Parties obtaining the same and the Landdrost, when approved by me, or the Governor for the time being, be complied with, and such remission of the Rent shall be specified for the greater security of the party or parties obtaining such grants, at the time thereof.

And be it further declared, that these favorable terms are limited to the First Fifty applying for and obtaining Grants.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 28th day of January, 1814.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas it has been reported to me, that a considerable service will be rendered, both to the Waterworks now going on, and to the Inhabitants of this Town, if Persons drawing Water from the temporary Fountains placed in the several parts of this Town, were obliged to shut the Cocks of the above-mentioned Fountains, after having filled their buckets or other vessels :

I therefore hereby order and direct all Masters and Heads of Families, and all other Persons whomsoever, to order their Servants or Slaves to shut the said Cocks, after having drawn Water from said Fountains.

And it is hereby further enacted, that if any Person (free or slave) is detected and convicted of having left the Water running, without shutting the Cock, contrary to this my Proclamation, such offending Person, if free, shall be fined 20 Rds. or be imprisoned for eight days ; and if a slave, shall be punished by one month's imprisonment, or by a fine of 10 Rds. the expence of the confinement to be borne by the Master or Mistress, at whose request, however, corporal punishment will be inflicted upon the slave, at the discretion of His Majesty's Fiscal.

And be it further enacted, that all fines and penalties, raised by virtue of this Proclamation, shall be divided into two equal parts, one moiety whereof shall be applied to the use of, or be given to, the Informers, and the other moiety to the Treasury of the Burgher Senate.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 28th day of January, 1814.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c. &c.*

Whereas with much concern I have learned, that the mistaken notion and habit still prevail, that the shooting or otherwise killing of Prisoners, who attempt to escape, or the shooting or otherwise killing of others, who may be apprehended, if done after having called out to them three times "*to stand!*" is considered as a lawful practice;—and whereas it has recently appeared, that this error has given rise to very cruel transactions, I have therefore judged proper, in order to prevent the evil consequences which may further result therefrom, to declare, as I hereby do declare accordingly, that in cases of homicide, the calling out of "*stand!*" without special order from the competent Magistrate, shall by no means be admitted as a sufficient excuse of itself, and shall be only taken into consideration by the Courts of Justice, for as far as connected with other lawful mitigating circumstances, that of calling out "*to stand*" may and ought to have due influence on the mind of the Court, according to the principles of an impartial and equitable administration of Justice.

I hereby further order and direct the Worshipful the Court of Justice, His Majesty's Fiscal, and all other higher and inferior Magistrates, strictly to observe, and to cause to be observed, this my declaration; as also in particular, to make the same known in the clearest manner possible to every one, especially in the Country Districts.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope
this 24th day of March, 1814.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that it is His Excellency the Governor's intention to continue the several Farms on Wine, Beer, and Spirituous Liquors, and that all Persons willing to take the said Farms for the ensuing Year, upon the same conditions as those of last Year (copies of which may be seen at the Colonial Secretary's Office), are desired to send in their proposals sealed, to the Secretary's Office, on or before the 7th day of the ensuing month of July, (marked on the outside "Tender for Wine or Beer Farm,") as on that day the Tenders will be opened in presence of His Excellency, and the respective Farms made over to the highest Tenderer, provided the sums offered amount to His Excellency's expectation; but if the Tenders should not be equal to the sums required from this branch of Revenue, then His Excellency will direct the Farms to be put up to Auction in the usual manner. The accustomed security will be required.

Cape of Good Hope, 26th May, 1814.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Additional Instructions for the Landdrosts and Heemraden of the Country Districts.

(CIRCULAR.)

COLONIAL OFFICE, September 20th, 1815.

To the respective Landdrosts and Heemraden of the Country Districts.

GENTLEMEN,

It having appeared to the late Governor, Sir J. F. CRADOCK, that the District Accounts were not kept with the Perspicuity so essential in all financial Transactions, and so

important for the Welfare of the Country Districts of this Colony, His Excellency was pleased to refer the Accounts of the respective Districts, for the Years 1811 and 1812, to a select Committee, in order that they might furnish him with their Observations upon the particular Accounts in question ; and likewise suggest such Alterations in the Mode of keeping the Accounts and securing the Balances of the several Treasuries, as should appear to them most likely to ensure the Regularity and Perspicuity so much desired. This Committee has now made its Reports ; and it appears to His Excellency the Governor, that it is expedient that you should, without loss of time, reply to the Doubts which have been expressed, with respect to the Accuracy of the Accounts of your District, for the Years above mentioned. For this purpose, the Observations of the Committee, as far as your District is concerned, are enclosed herewith, written on one Side of Foolsap Paper, in order that, on the opposite Side, you may be pleased to insert the elucidating Reply which is required.

I likewise transmit to you, enclosed, the Forms which the Committee have recommended for future Adoption, in keeping the Accounts of Receipt and Expenditure of your Districts, from which Forms, and the accompanying Instructions, it is His Excellency's express Order, no Deviation shall take place ; as he will hold the Landdrost and Secretary personally responsible to him, and to the Public, for the future Accuracy of the District Accounts, in as far as each is concerned ; it being His Excellency's intention to authorise and instruct the Commission of Circuit, (Stellenbosch,) in future to proceed to Stellenbosch, for the purpose of inspecting and examining the several District Accounts, and reporting to him, (and the other Districts,) to inspect and examine the several District Accounts, and report to him, whether these Regulations have been strictly adhered to, and the Balances duly and constantly kept in the District Chest ; and to apprize him of every Instance of Deviation therefrom, should such be found to have existed.

I have the Honor to be,
Gentlemen,
Your obedient Servant,

(Signed) C. BIRD, *Dep. Secretary.*

*Enclosure in the Circular Letter to the respective Landdrosts,
dated Colonial Office, 20th September, 1815.*

**Additional Instructions for the Keeping the Several District
Accounts.**

The collecting of all Revenues by the different Boards, must be effected with the most scrupulous accuracy and impartiality ; for this purpose, the following Regulations are, in future, to be adopted :—

1. At the close of the Sitting of the Board, or of Commissioners authorised to receive the different Taxes, specific Lists of the Names are to be made out, by which it must appear how much each have paid.

2. Similar Lists must likewise be made of those Persons who have neglected to pay, pointing out the sum due by each. These Lists being produced at the next ensuing Sitting, for examination and approval, it must then be resolved how the Monies are to be applied, as also in what manner the Arrears are to be collected ; for which a certain time must be prescribed, which being expired, two Lists as abovementioned must be again made out, and exhibited at the Sitting, when such Resolution must be taken thereon as the Board shall deem fair and reasonable—the unwilling compelled by Law to payment, and the dissatisfied (sufficient reason appearing thereto) relieved with special annotation of such reasons in the Records of the Board—in all cases, so that the Receipts should be settled and liquidated before the expiration of each year.

On the Sale of any Lands, or Erven, a separate Folio in the Ledger must be appropriated to that head, wherein the Price which such Land brought, and the mode of payment, whether in ready Money or by Mortgage Bond, must be specified ; and thereupon each of the Debtors charged in a separate Folio with the amount of his Debt, and credited with what he has paid on account ; from which it follows of itself, that the Receipts thereof cannot be called for Lands sold in such year, when no Lands are sold ; but must be brought up under the title of Instalments paid on Mortgage Bonds, or under the name of Outstanding Capitals.

In a Public Administration, all Revenue and Expenditure must, as far as possible, be clearly and plainly entered under

its proper head, so as to ascertain whether the Income be adequate to the Expenses; in order that agreeably to the 116th Article of the Instructions for the Government of the Country Districts, when the general Revenue may be insufficient to defray the general Expenditure, there should appear good ground to lay before Government the cause of such deficiency, and a request for a higher Taxation on those Items which do not make good the Expenses.

It is not sufficient, that under the head of Capitals discharged, the same should be entered in general terms; but special mention must be made of how much is paid on the Capital, and how much for Interest.

Besides what has been above observed, with respect to the Opgaaf Monies or Taxes, as the principal Revenue, the Landdrost, as Treasurer, must also state at each Sitting of the Board, how much he has received of other Revenues; namely, for Licences, Fines, Sales of Lands or Goods belonging to the District, upon which he is to be authorised to place the amount into the Treasury, and the Secretary to enter each of the Items in the Books; by which Regulation the 115th Article of the Instructions for the Country Districts will, among others, be complied with, whereby the greatest Economy is recommended. And also further, agreeably to the 17th Article of the said Instructions, an Annotation must be kept in the Records of both the Receipts and Payments, and the Account rendered against the Drostdy being examined and approved by the Board, the Landdrost is to be authorised to make payment, and to produce regular Receipts for the same at the next ensuing Sitting; which being delivered to the Secretary, to be booked by him, agreeably to the 118th Article of the Instructions.

Conformably to the 115th Article of the Instructions, no Capital Repairs of Buildings, Pontoons, &c. must be undertaken without the necessity of the same, the amount of the expense, and the best and most advantageous manner of effecting them being previously considered of by the Board.

Agreeably to the Instructions, the Landdrost is Treasurer; and according to the 120th Article, the Monies of the Districts must be kept in a Chest with three different Locks. This is a very useful regulation, and is of the greatest importance to satisfy the Public, that the District's Money cannot be made use of for private purposes.

In this respect the following must be observed :—

1. At any of the Drostdies where there may not be an Iron Chest, the Landdrost is to be directed to have a wooden one made, provided with iron clamps and staples, for three Padlocks.

2. The Landdrost, by putting a List in the Chest, agreeably to the Form hereunto annexed, Sub No. 1, he can in a moment see the amount of the Money therein.

3. The Landdrost must, every three months, deliver his Cash Account, agreeably to the Form Sub No. 2, with the Vouchers appertaining thereto, to the Board, for examination, on which the Board must direct what amount shall be paid over to the great or Iron Chest, and how much, agreeably to the 121st Article, should remain in the hands of the Landdrost, to defray the daily necessary Expenses, to be duly accounted for : of all which, Annotations must be made in the Records, while the numbered Accounts and Receipts, and further Papers belonging to the Quarterly Accounts, must be delivered to the Secretary, in order, agreeably to the 122nd Article of the Instructions, to be booked and deposited in his Office.

4. At the annual resignation of the old, and appointment of new, Heemraden, the Landdrost (over and above the District's Accounts and State of the Finances, to be laid before the Board by the Secretary, agreeably to the 123rd Article) must produce to the Board a yearly Cash Account, from the 1st January to the 31st December, agreeably to the annexed Form, No. 3, which being signed, the Balance of Cash must be delivered over in the resignation of the old, to the new appointed, Heemraden.

5. The Landdrost, as Treasurer, is to enter his Receipts and Payments in as simple and brief a manner as possible, in the Cash Book, while the Secretary, according to the 122nd Article of the Instructions, must book every thing, agreeably to the Resolution of the Board ; and not enter only each Item under its proper head, but also as far as practicable, describe the cause of each Debet or Credit, whether by Resolution of the Board Authority, or Order of Government, &c. so as thereby to give every perspicuity to the amount ; for which purpose the Form No. 4 is to be adopted,—and as the Balance thereof should agree with that of the Chest, this will at the same time serve as a Check Book.

6. The annual Commission of Circuit being to be charged with the examination of the Cash Account, and with the inspection

of all the Books relative to the Receipt and Expenditure of each Drostdy, shall on the day of examination, compare the Balance thereof with the Cash in hand, so as to be assured of the same being actually in the Chest, in the manner prescribed by these Instructions, and make an Annotation thereof in their Records.

7. The Secretary must produce every Year to the Board, a comparative Statement of the last Year, closed to ultimo December, and of the preceding Year, with a specification and vouchers of the reasons why the Income or Expenditure was more or less; of which Statement a Form, Sub No. 5, is annexed,—and the new appointed Heemraden must be, as much as possible, acquainted with the state of the Finances of the Drostdy. A general Account must therefore be made out every Year, of which a Form, Sub No. 6, is annexed; and which general Account, together with the abovementioned comparative Statement, must be yearly forwarded to Government.

8. At the change of Heemraden, the Inventory of all Movables, Furniture, and Implements, belonging to the Drostdy, must be examined and compared with the several Articles themselves; and all those which were rejected by Resolution of the Board, as worn out or useless, must, if saleable, be publicly sold for account of the District's Treasury, and the purchase or making new ones in their stead resolved on.

(No. 1.)

Memorandum.

1811.			<i>Rds.</i>	<i>sk.</i>	<i>sts.</i>
Jan. 1st	Cash in the Treasury		229	7	4
March 31st	Paid in, agreeably to the Resolution of the Board		2700	0	0
		<i>Rds.</i>	2929	7	4
June 30th	Paid out, agreeably to ditto ditto		720	0	0
		<i>Rds.</i>	2209	7	4
Sept. 30th	Paid in, agreeably to ditto ditto		220	0	0
		<i>Rds.</i>	2429	7	4
Dec. 31st	Paid out, agreeably to ditto ditto		1194	5	4
		<i>Rds.</i>	1235	2	0

FORM OF A QUARTERLY CASH ACCOUNT,

TO BE KEPT BY THE LANDDROST.

THE TREASURY OF THE DISTRICT OF

<i>Dr.</i>	<i>Cr.</i>					
18 January	Rds.	Skd. Stes.	18 January		Rds.	Skd. St.
February			February			
March			March			
					<i>Rds.</i>	

*Thus closed at the Drostdy of
and signed the*

the 18 ; examined at the Board of *Heemraden* ;
following, by
J. G. K.

(No. 6.)

GENERAL STATEMENT ACCOUNT OF THE FUNDS AND EFFECTS,
Belonging to the District of
for the Year 18

[illegible]

*Thus done at
the
and examined at the Board of Heemraden, on the*

Resigning Heemraden: Continuing and New Heemraden :

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c. &c.*

Whereas it has been represented to me, and after minute inquiry I have ascertained, that that melancholy and distressing disorder, the Leprosy, has of late years considerably encreased within this Settlement : And whereas it appears, that in the District of Swellendam only is there any retreat provided for the unfortunate objects attacked by this malady, so that, as an impression obtains (which however the most learned of the Medical Profession hold to be erroneous), that the disorder is contagious, the distressed sufferers are frequently left in a state of abandonment, which it is shocking to humanity to reflect upon.

And whereas it appears expedient to allot to Hottentots, Bastards, Freeblacks, and Slaves, labouring under this evil, a healthy and airy spot where they may retire to, and where they shall receive such aid as is necessary to their future subsistence and comfort, but to which place the safety of the Public requires they should be confined.

And as it appears that the situation of the *Hemel en Aarde*, now allotted by the District of Swellendam to this object, is capable of such augmentation of ground, as is sufficient for the purposes required, I have thought fit to direct :

1. That the Landdrost of Swellendam shall, as soon as possible, inspect and ascertain the quantity of ground in the vicinity of the *Hemel en Aarde*, which can be conveniently appropriated to this object, and transmit to the Colonial Office an accurate Diagram thereof.

2. The Landdrost of Swellendam shall cause numerous and very ostensible landmarks to be erected around the Site, so that no person shall have the excuse of not being able to know the precise limits thereof.

3. This Site shall be appropriated generally to the reception of the unfortunate Persons of the descriptions above quoted, who shall labour under the Leprous Malady throughout this Settlement, under the following Regulations :

(1) Upon a report being made to the Landdrost of a District, of a Hottentot, Freeblack, Bastard, or Slave, of either sex, being stricken with Leprosy, the Landdrost shall cause such Person to be examined by the District Medical Officer, and shall forthwith report the case, with the Medical Officer's Certificate thereof, to the Colonial Secretary's Office in Cape Town,—this report to contain the name, sex, age, trade, or occupation of the Person stricken, and if a Slave, the name of the Proprietor thereof.

(2) The Colonial Secretary shall, upon receipt thereof, issue an order to the Deputy Landdrost of Swellendam at Caledon, authorising and requiring him to admit the Patient into the District allotted to Lepers ; and the Deputy Landdrost shall keep an exact Register of all Persons so admitted.

4. The Lepers shall be found in the same quantity of bread and meat, of good quality, as at present ; such bread and meat being provided by Public Contract.

5. The Lepers shall be allowed to erect huts for their habitations, and to make use of a small proportion of ground to find themselves in vegetables.

6. The Deputy Landdrost of Swellendam shall, from time to time, visit the Leper District and give such directions therein as shall conduce to its cleanliness and good order ; he shall at those times inspect the quality of the provisions issued to them, and ascertain that they are conformable to the Contract, of which circumstances he shall make report to the Landdrost of Swellendam, at the expiration of each Quarter, and the latter shall transmit the report, with his comments, to the Colonial Office, for my information ; and should the Deputy Landdrost fail in making his quarterly report, the Landdrost of Swellendam shall nevertheless make his report, in order that my attention may be drawn to the apparent neglect.

7. The Deputy Landdrost at Caledon shall keep an accurate Account of all the necessary expenditure occasioned by this measure, which Account he shall furnish annually, at the end of the month of December, to the Board of Landdrost and Heemraden of the Swellendam District, who, after examining and certifying the correctness thereof, shall transmit the same to the Colonial Secretary, keeping an authentic copy for their own information.

8. The Colonial Secretary, after having submitted this Account to me, shall divide the amount of expenditure equally among the seven Drostdies and Cape Town ; and he shall then call upon the Agents of each of the Drostdies (that of Swellendam excepted), and upon the Treasurer of the Burgher Senate, to reimburse to the Drostdy of Swellendam the amount of their respective Quotas.

9. The Landdrost of the Cape District shall arrange with the Resident at Simon's Town, the proportion which that Residency shall pay with the Cape District, which proportion shall be included in the payment to be made by the Cape District, and be calculated according to the relative means of the two divisions.

10. The Deputy Landdrost of Caledon shall transmit quarterly to the Secretary's Office in Cape Town, a Return of the number in the Leper District, which Return shall contain the names, sexes, and ages of the Lepers, and report the births and deaths (if any) of the preceding Quarter.

11. In the case of the admission of a Slave into the Leper District, the Proprietor of such Slave shall pay to the Landdrost of the District in which such Proprietor resides, the sum of 2 Skillings per diem, during the continuance of the Slave in the District ; and he shall point out to the Landdrost, if required, where he may receive the amount without trouble or delay, since the Treasury of the District will be charged with the maintenance of such Slave at the time of being called upon for its quota of the whole expences, as directed in the 7th Article.

12. The Deputy Landdrost is to take every care to prevent the Persons belonging to the Leper District from going beyond the boundaries of the same, and make known to them the severe penalties they will be liable to, in case they are found beyond them, as in cases of quarantine for contagious disorders is by Law provided.

13. Such future Regulations will be issued with respect to Medical aid, as the exigencies of the place shall appear to require, and as the circumstances of the Colony will admit of.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at George's Town, this 14th Day of February, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Dep. Col. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c. &c.*

Whereas it has appeared from inquiry into the manner in which the Inhabitants of the Country Districts are repaid for the use of their Waggon, Horses, Voorspannen, and Relays, impressed under the usual authorities, that some irregularity prevails herein, by which the assessments in the Districts in this regard are more burthensome to the Inhabitants than they ought to be,—I have therefore thought proper to direct :

1. That the respective Landdrosts shall continue to impress Waggon and Horses, and provide the necessary Relays and Voorspannen, in the manner at present established, whenever required to do so by a competent authority, either Civil or Military.

2. The payment for these Waggon, &c. shall be collected by Assessment as at present, in cases when such Waggon are required for the service of the Colonial Government, or allowed for the particular service of the Interior Districts ; but in cases where Waggon, Horses, or Voorspannen are ordered for the speedier conveyance of Individuals, though specified in the order issued from the Colonial Secretary's Office, to be at the expence of that Individual, (which in those cases to which this paragraph applies shall hereafter be the case) the Fieldcornet or other Magistrate to whom such Government Order shall be shewn, shall require from the party producing it payment at the usual regulated price forthwith, so that the charge shall by no means be made against the District.

3. In all cases of Waggon, Horses, or Voorspannen, impressed for the Military Service, the Department calling upon

the Magistrates for this aid, becomes responsible for the amount of the charge ; and the respective Landdrosts are hereby directed to make the necessary payment in the first instance, and keeping an accurate account thereof, to call upon the proper Military Department for payment, at the established rates ; reporting to me all instances, without delay, where any hesitation shall be made with respect to the immediate payment of the charge brought in, and by no means in future assessing the Inhabitants for Waggon, Horses, Relays, or Voorspannen, furnished on this account.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at George's Town, this 14th day of February, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Dep. Col. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c. &c.*

Whereas difficulties having arisen with respect to Aliens settled in this Colony, who had expressed their wish to become Burghers, and to obtain the privileges thereby granted, among which, that of possessing Lands in property within the Settlement :

Now, having no power vested in me to grant such privileges, I thought it expedient, and for the interest of the good Inhabitants of this place, to refer the case to His Majesty's Government in England, with this effect, that I have received His Royal Highness the Prince Regent's Commands and Instructions thereon.

Be it therefore hereby made known, that I am ready to grant Deeds of Burghership, subject to the approbation of His Royal

Highness the Prince Regent, to all such Foreigners and Aliens, of good character and conduct, who shall apply for the same, provided that they shall have resided for the last five successive years within this His Majesty's Settlement, upon such Aliens or Foreigners taking the usual Oaths of Allegiance to our Sovereign Lord the King, and upon their paying the usual Fees for the Deeds of Burghership, which shall hereafter be made out upon a Stamp of Two Hundred and Fifty Rixdollars ; and all such Aliens and Foreigners, not having Deeds of Burghership, are hereby cautioned and warned, not to attempt to purchase or hold Lands in property within this His Majesty's Settlement, as after six months from the date of this Public Notice, the penalties of the Law will be rigidly enforced in their regard.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 2nd day of May, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been with heartfelt satisfaction that I have remarked and watched the improvement which has of late been effected in the Free School of this Town, and have contemplated the benefits already derived from a Seminary, open to all, wherein the first rudiments of Education are successfully implanted, and where, what is still more pleasing to reflect on, the groundwork of those religious and moral sentiments is laid, which cannot fail having their due influence upon the future conduct of the rising generation, and conducing to their permanent welfare.

And whereas it is incumbent upon me, not only acting from those feelings which induce me to use every effort tending to the happiness of the Inhabitants of this Colony, but in furtherance of those beneficial views of His Majesty's Government at Home, which are the basis of their Instructions to those in their employment here, to render every aid in my power towards enlarging the scanty means which have hitherto been placed at the disposal of those who have, from the most laudable motives, undertaken the superintendence of this interesting and important Institution.

And whereas it has been made apparent to me, that neither the Funds hitherto allotted to this object, or the voluntary contributions of benevolent individuals, have been sufficient for meeting the unavoidable expences of this Establishment : I have therefore thought proper to order and direct, that an additional Toll shall be levied at the several Outlets of this Town, on Sundays, and on the side of Green-Point, during the days in the Race-weeks devoted to that amusement, according to the sub-joined Tariff, and subject to the Regulations herein prescribed ; the net produce of which shall be paid to the Treasurer of the School Commission. Thus those only will be hereby called upon to contribute, who have time and means to spend in occupations of pleasure and amusement.

The following is the Tariff of additional Toll which is to be payable henceforward at the several Outlets of the Town, on Sundays, and on the Green-Point side, during the days in the Race-weeks devoted to that amusement. It being to be clearly understood, that this Toll is entirely distinct and separate from the ordinary Toll collected under former Regulations, towards the expence of the Roads, viz. :

	<i>Stks.</i>	<i>sts.</i>
Waggons drawn by six Horses and upwards	4	0
By four Horses, and less	2	0
Coaches, Carriages, &c. by four Horses	2	0
Coaches, Curricles, Chariots, &c.	1	0
Saddle Horse	0	2

Waggons drawn by Oxen are not to be charged the Sunday Toll ; neither Officers or others, who may claim exemption from the usual Tolls, are to be considered exempted from the Sunday Toll, or from that to be collected on the days allotted to the amusement of Racing.

The Burgher Senate, which, by its Instructions, is to afford every aid in its power to Institutions for Public Education, is to defray the charge of collecting this additional Toll, and that of placing the necessary Toll-bars at the other Outlets of the Town, so that the whole Proceeds shall be paid to the Treasurer aforesaid, without any deduction whatsoever ; the several Collectors giving to the Treasurer, every Monday morning, a return of the collections of the preceding day.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of May, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has appeared to me, that notwithstanding all the measures taken to give notoriety to the Proclamation of the 26th April, 1816, for the binding of all Persons to have their Slaves registered, according to the Regulations therein prescribed, there is reason to believe, some well-disposed Persons, from ignorance of such Proclamation, have omitted to comply with the same.

Be it therefore declared and proclaimed, that where any Person or Persons shall appear to the respective Persons employed in superintending the Registering of Slaves, to have neglected, from ignorance of the Proclamation, to have made the Return of the Slaves called for by the 4th Article of the said Proclamation on the 31st March last, for Cape Town, District, and the Residency of Simon's Town, whereby such Persons are supposed to have manumitted the Slave or Slaves not then

registered, and the Worshipful Court of Justice is thereby declared, in cases of application for freedom, not to require other proof hereof, than the mere want of Registering, as therein prescribed.

Be it further declared and proclaimed, for the relief of such Person, who shall prove ignorance, to the satisfaction of the Persons presiding over such Registry, that where no demand has been made by any Slave or Slaves for their freedom, founded upon the said Proclamation, or any Suit commenced to establish such freedom, nor any decision of the Court of Justice has taken place, in favor of any Slave or Slaves, who have demanded or sued for such their freedoms, be it ordered, that the time of Registry in Cape Town, District, and the Residency of Simon's Town, be enlarged and extended from the 31st March unto the 1st day of September, 1817 ; but that this extension is not to affect the rights of any Slave to his freedom, who has demanded, sued for, or obtained his freedom under such former Proclamation.

Be it further ordered and declared, that neither the Commissary of Vendues, or the Vendue Masters in the Country Districts, shall put up to sale, or sell, any Slave or Slaves, without a Certificate from the Office in which such Slave or Slaves have been registered, containing the age, sex, occupation, and country of such Slave or Slaves, as appears by the Registry. And if the Commissary of Vendues, or other Vendue Master, shall, notwithstanding this Proclamation, put up to sale, or make such sale, he shall be liable to a penalty of 1,000 Rixdollars.

And be it further declared, that the former Proclamation of the 26th April, 1816, will be strictly enforced against all who shall neglect to register their Slaves according to the Regulations herein enforced in the Country Districts at the expiration of the year 1817. And it is hereby ordered and directed, that this Proclamation, as well as the Proclamation of the 26th April, 1816, shall have the fullest publicity ; and therefore, besides the usual means of making the same known, I do hereby direct each and every Wardmaster of this Town, and Fieldcornet in the Country Districts, to appoint and assemble one Slave from every house in their respective Wards, and explain, or cause to be explained, to such Slaves so assembled, in the Dutch and Portuguese Languages, the full meaning of this Proclamation,

so that none may remain ignorant thereof. And I do further direct the respective Wardmasters and Fieldcornets, to report to His Majesty's Fiscal, and their respective Landdrosts, their having complied with this Instruction within the shortest possible time from the date hereof, as they shall answer for the contrary at their peril.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 20th day of June, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas all Crimes, and even Misdemeanors, subject to a more severe than domestic punishment, committed in the remote Country Districts, can only be prosecuted once a year before the Annual Commission of Circuit, whence essential obstacles are thrown in the way of the prompt administration of Justice, both in consequence of the long detention of the accused, and of the unavoidable delay which occurs, before the respective cases can be tried by the competent Court:

I have therefore judged proper, in order to obviate these inconveniences, as far as the nature of circumstances in this Colony admit of, to authorise the several Boards of Landdrost and Heemraden in the Country Districts (that of the Cape District only excepted), and they are hereby authorised and directed accordingly, to take cognizance of the Crimes of *Vagabondising, Cattle-stealing, and other Thefts, not accompanied by any circumstances of Murder, Violence by breaking into Houses or other Inclosures, or other Aggravation ; as also of all lesser Crimes and Misdemeanors, liable, by the existing Laws, to a more severe than domestic punishment ;* and after all such cases shall have been duly tried, and the Prosecutor R. O. shall have made

his claim, and the accused his full defence, to proceed to judgment, and pass Sentence, conformably to the Laws and Usages here in observance.

And whereas, in the said proceedings, the respective Landdrosts, as Presidents of the Boards of Landdrost and Heemraden, cannot act as Public Prosecutors, as in cases brought before the superior Courts, the respective Secretaries of the Country Districts, (Cape District excepted), are hereby authorised, to act in the name of His Majesty's Government, as R. O. Prosecutors, in all cases upon which the Boards of Landdrost and Heemraden are by this Proclamation respectively empowered to sit as Judges, whilst the respective District Clerks are hereby directed to act in all such cases for the Secretaries of their respective Districts, at the Sessions of the Boards of Landdrost and Heemraden.

The Sessions of Landdrost and Heemraden, in all cases subject to their cognizance, are to be opened by the Landdrost with the least possible delay, after the commission of such crime, and the detection or apprehension of the offender, and to continue their Sittings until the matter be finally decided, with the exception only of such cases, wherein unavoidable circumstances shall have prevented the continuance of the Session, of which the Acting Secretary is to keep an accurate record.

The Board of Landdrost and Heemraden, assembled for the above purposes, is never to consist of less than three Members, including always the Landdrost.

And in order to prevent any danger resulting to the administration of Justice from this extension of the Judicial Authority granted to the respective Boards of Landdrost and Heemraden aforesaid, all Sentences given by such Boards, exceeding domestic correction, or confinement of one month, shall be subject not only to an appeal to a higher authority of the annual Commission of Circuit, and further to the Court of Appeals for Criminal Cases in Cape Town, but also, even when not appealed from, such Sentences shall not be carried into execution, without being previously sanctioned by my written *Fiat*, or that of the Governor for the time being ; for which purpose, all Sentences accompanied with copies of the minutes of the Trial, are, as soon as the time for appeal shall have elapsed, to be forwarded in the usual manner to me, or the Governor for the time being.

And the respective Landdrosts and Heemraden, as well as the respective Secretaries, acting as R. O. Prosecutors as aforesaid, are hereby ordered and directed, henceforth, in the prosecution, investigation, and decision of all cases wherewith they are hereby charged, to conform to and follow the Regulations and Forms of proceeding prescribed in the Proclamation of the 16th May, 1811, whereby the Commission of Circuit was instituted.

Finally, the yearly Commissions of Circuit are hereby directed to inspect, during their respective Sessions in every District, the Proceedings held before Landdrost and Heemraden, by virtue of this Proclamation ; and, if any irregularity in the same shall appear, to report the same to me, or the Governor for the time being, forthwith.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th day of July, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Brewers of this Town have represented to me, that the System of Farming the Retail of Cape-brewed Beer is extremely prejudicial to their Interests, in as much, as it tends to throw a Monopoly of the Sale of Beer into the hands of one of the said Brewers, to the prejudice of the others ; and whereas it is my wish to give every Encouragement in my Power, (consistent with a due Consideration of the Interests of the Revenue,) to the industrious efforts of those Individuals, who have expended their Capital in the furtherance of any particular Branch of Trade : I have, therefore, for the present Year, (as a

Trial,) accepted from the said Brewers, jointly, a Compensation in lieu of putting up the Retail of Cape Beer to farm, as was advertised for the 15th of the present month, of which I hereby give public Notice.

But whereas it is necessary, that an efficient Check should be had upon the Beer-Houses in Cape Town and District, and the Residency of Simon's Town; and that no Person or Persons shall be allowed to sell Cape-brewed Beer by Retail, without a regular Licence for the same: Be it therefore hereby made known and ordered, that every Person who shall retail Cape-brewed Beer from and after the first day of September next, shall be bound to take out a Licence for that purpose, upon a Stamp of 25 Rds. which Licence shall be taken out in the usual manner from the Office of the Colonial Secretary, and be exhibited to His Majesty's Fiscal, if the said Licence is for Cape Town; or to the Landdrost or Resident, if the Licence is for the Cape District, or the Residency of Simon's Town.

And if any one shall be detected in selling Cape-brewed Beer by Retail, without the Licence hereby directed, such Person will incur a Penalty of treble the amount of the Licence aforesaid, (over and above the value of the said Licence,) to be sued for and recovered in the usual manner.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 22nd day of August, 1817.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the period has now elapsed to which the privilege of Enregistering Slaves was limited by my Proclamation of the 26th day of April, 1816, and the Books of the Registry Offices

being finally closed, so that no Person, previously a Slave, not having been entered thereon, can henceforward be considered as belonging to the class of Slaves ; it has become necessary to frame such further Regulations as shall meet the various changes which may take place in this description of Property, and provide for the speedy Enregisterment thereof, in a more particular and detailed manner than was done by the provisions of the Proclamations of the 26th April 1816, and 20th June 1817, so that no doubt shall remain of the number of Persons belonging to this class, its encrease or diminution be accurately watched, and individual property therein be fully protected and secured.

Now, having taken these matters into my most serious consideration, I have thought fit, by virtue of the Power and Authority in me vested, to order and direct, as is hereby ordered and directed as follows, viz :

1. In each case of the sale of a Slave, the Purchaser thereof shall be bound, by himself or by his authorised Agent, to obtain the Certificate of Transfer prescribed by the 9th Article of the Proclamation of the 26th April, 1816, from the Registry Office, in which the Slave stands registered, or from the General Registry Office in Cape Town, within three calendar months subsequent to the date of the purchase thereof, in default of which, he will become liable to the penalty of 100 Rds. as declared in the Proclamation aforesaid ; which penalty shall be prosecuted for as therein prescribed, and the amount, when recovered, shall be appropriated, one half to the Colonial Treasury, and one half (if in Cape Town) in aid of the Funds of the Free School, or if in the Country Districts, to the Funds of the District in which the neglect shall have taken place ; and the Seller of such Slave shall likewise be bound, by himself or by his authorised Agent, to transmit to the Registry Office as aforesaid, the written notice of his having sold such Slave, described in the 9th Article of the said Proclamation, within three calendar months from the date of such sale ; in failure whereof, he, the said Seller, will be liable to a like penalty of 100 Rds. to be recovered and appropriated as before described.

2. In case of the death of any Slave, the Proprietor of such Slave shall be bound to give notice thereof, by himself or Agent, in writing, to the Registry Office of the District in which he

resides, or to the General Registry Office in Cape Town, within one month subsequent to the death of such Slave, if the Proprietor reside in Cape Town, or if in any of the Country Districts at latest at the next ensuing Opgaaf subsequent to such death, under a like penalty of 100 Rds. to be sued for and appropriated as directed in the preceding Article.

3. In all cases of Gift, Exchange, Legacy, or Inheritance, the party becoming Proprietor of a Slave, or becoming entitled to the service of a Slave, shall give due notice thereof in writing, to the Registry Office of the District in which such Party resides, within six months from the date of the decease under which he has acquired his title, or within a like period subsequent to the Deed of Gift under which he shall become possessed of such Slave, or of the Exchange which he has agreed to ; which length of time is given, in order that there may be no valid excuse, arising out of disputed Wills or Succession, or otherwise, from effecting the change of Registry required by Law, and procuring the necessary Certificates as in cases of Transfers by Sale, the neglect of these provisions rendering the Party liable to the like penalty of 100 Rds. as in the former cases.

4. With reference to those cases alluded to in the last Article, in which the service of the Slave, and not the property of the Slave, is given or bequeathed, the Person who is to enjoy the fruit of the said service, though the Slave be not his property, shall have such Slave enregistered in his name, and bear the expence of the Transfer ; but the Inspector of Registry is required to be extremely careful in noting the circumstance opposite to the name and description of the Slave, in order to be able to counteract any attempt which might thereafter be made to transfer or dispose of such Slave beyond the intention of the Testator or Donor.

5. In all cases of Slaves manumitted by Will or otherwise, the Executors or Administrators in the first case, or the Manumittor or his authorised Agent in the latter case, shall be respectively bound, as the case may be, to give notice of such Manumission, in writing, to the Registry Office of the District in which such Executor, or Administrator, or Manumittor, or Assign shall reside, or to the General Registry Office in Cape Town, in order that the necessary erasure from the class of Slaves may be effected, within twelve calendar months from

the date of the demise of the Testator in the first case, or from the date of the Manumission in the latter case, under a like penalty of 100 Rds. to be sued for and appropriated as aforesaid.

6. And whereas the administration of property frequently devolves upon particular Boards, such as the Board of Orphan Chamber, the Chamber for Regulating Insolvent Estates, &c. upon which Boards, as Administrators of such Property or Estates, it falls to attend to several of the provisions of this and the former Proclamations respecting the Registry of Slaves, &c. it is therefore hereby ordered and declared, that in such cases in which the provisions of these Proclamations shall have been neglected or contravened by the said Boards in the administrations aforesaid, the respective Secretaries of the said Boards shall be made personally liable in the penalties directed in this and preceding Proclamations, and shall be prosecuted for the same in like manner, as is authorised and directed in cases of other transgressions against these Regulations.

7. In cases where the Parties who have Registered Slaves under any of the preceding circumstances, and have obtained the regular Certificates thereof, as directed in former Proclamations on the subject of the Slave Registry, shall have lost or mislaid such Certificates, and shall apply to the respective Registry Offices for Copies or Extracts of the original Entries in the Books of the said Offices, the Inspector in Cape Town, and Officers having charge of this Department in the Country Districts, are hereby empowered and required to grant such Copies or Extracts (as the case shall need), which Copies or Extracts shall be drawn out upon a Stamp of one Rixdollar each, and a further fee of four Skillings shall be charged by the said Officers for each Slave described in every Copy or Extract, which fee shall be carried to the account of the fees receivable in the Registry Office.

8. The Worshipful the Court of Justice, and the respective Magistrates, are hereby again called upon to notice, that by the concluding paragraph of the aforesaid Proclamation of the 26th April, 1816, it is directed and made known, that no claim to a Slave shall be held to be valid, unless the Transfer of such Slave, or the change of Property therein, shall appear upon the Registers, and of which the Party claiming the Slave shall have obtained a Certificate.

And whereas it has been represented to me, that various frauds are committed by Persons having mortgaged Slaves, and subsequently disposed of, or attempted to dispose thereof, without appraising the Purchasers of the engagements to which the purchase was liable ; and it has been made apparent to me, that frauds of this nature may not only be counteracted, but that great regularity will ensue, and much security be afforded to Slave Proprietors, were it made imperative upon all Persons mortgaging this description of Property, to enter the same in the Books of the Slave Registry Offices ; Be it therefore hereby further made known and ordered, That

9. From and after the date of the present Proclamation, every Person mortgaging a Slave or Slaves, either as security for a debt incurred, or for money borrowed, or otherwise, shall be bound to give notice thereof, to the Registry Office of the District in which he resides, and shall state the amount for which such Slave or Slaves is, or are bound, and to whom ; of which notice due Entry shall be made by the Inspector in Cape Town, or Officer having charge of the Registry Department in the Country District, opposite the name of such Slave or Slaves in the former Registry, of which circumstance the said Inspector, or other Officer, shall grant the Applicant a duly signed Certificate, which Certificate shall be drawn up upon a Stamp of two Rixdollars, if one Slave only is mortgaged, and of one Rix-dollar more for each other Slave included in such mortgage ; and the Creditor or Lender, upon such security, is carefully to notice, that unless such Certificate, or Copy of such Certificate, if the original be lost, shall be annexed to the Deed of Mortgage whereby he claims the Slave or Slaves as his security for the debt incurred, or money advanced, such Deed of Mortgage is hereby declared to be void and invalid, and the amount thereof shall not be recoverable in any Court of Law in this Settlement.

10. In all cases of application for Certificate of the Transfer or change of property of a Slave, who shall appear by the Books of the Registry Office, to be mortgaged, such Certificate shall not be granted, unless the consent thereto of the Person in whose favour such Slave had been previously mortgaged, or of his Executor, Administrator, or Assign, be signified in writing to the Inspector of Enregisterment in Cape Town, or to the Officer having charge of the Registry Department in the Country

District ; which assent must specify, whether the claim as it affected the Slave, shall have been liquidated, or whether such claim is, by consent of Parties, to follow the Slave into the new possession.

11. The aforesaid provisions for the Enregisterment of the Mortgages of Slaves in the Office of the Enregisterment of Slaves, having for its object solely to prevent frauds in the Sales and Transfers of Slaves, it is carefully to be observed, that this Registry in no way interferes with the General Debt Registry of the Colony, so that no claims to preference, founded on priority of time, can be decided thereby.

12. And inasmuch as many Slaves stand now mortgaged to Individuals, the claims against whom it would be advisable and of great security to the Parties, to have regularly entered in the Books of the Slave Registry Office : It is hereby further proclaimed and made known, that the Registry Offices are open for the Enregisterment of the aforesaid now existing Mortgages, and that no fee will be required for such Registry, or for granting Certificate thereof, in the same manner as is directed in Articles 9 and 10 for Slaves who shall be hereafter mortgaged ; and that, unless the same be entered and registered therein accordingly, on or before the 30th day of June next ensuing, such Deeds of Mortgage, or other claims of like nature, entered into previous to the publication of this present Proclamation, shall be thenceforth considered void and invalid, and not be recoverable in any of the Courts of Law in this Settlement, saving the right of relief to those entitled thereto by Law.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of January, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas from the liberal and beneficent encouragement which has been given to the importation of Cape Wines into Great Britain, the greatest advantage has been already derived to this rising Settlement, and a prospect has been opened (depending solely on the industry and integrity of the Wine Growers and Exporters for realization) of rendering the Wine Trade the Staple of the Colony, and the certain means of its future wealth and prosperity.

And whereas, under such circumstances, it becomes expedient to adopt every measure which shall be likely to secure the Traders in this important branch of Agricultural Produce, from those frauds which designing Individuals will from time to time endeavour to practise, where no restraint is by Law imposed, and in framing the Regulations which such cases have rendered necessary to keep in view, that no opportunity should be lost of securing to this Colony the most lasting advantages.

And whereas it has been represented to me, that it has become a prevalent practice to vend Wine in Casks, supposed to be Leaguer Casks, but which, upon measurement, do not contain the legal quantity of 152 Gallons, British Measure, but are frequently deficient in such measure to a considerable amount, to the great detriment of the Purchaser, and to the ultimate encrease of the prime cost of Wine, which every principle of policy should tend to keep at as moderate a rate as is consistent with the interests of the Growers, for the encouragement of this valuable Export.

Now, as it appears expedient that the custom of bringing in Wines in Leaguer Casks, and of selling them at the Market by the Leaguer, should not be interfered in, but, on the contrary, be encouraged, it is equally just, that the Purchaser of a Leaguer shall receive the full quantity of 152 Gallons, which such Leaguer Cask is supposed to contain, or that he should be entitled to a deduction of price for such quantity as the said Casks shall, upon gauging, be found to be deficient of the full quantity of 152 Gallons (B. M.), the true admeasurement of a

Leaguer Cask ; and on the other hand, that, should the Cask be found to contain more than the aforesaid quantity of 152 Gallons, then that the Seller shall be entitled to receive the value of such additional quantity from the Purchaser, which account shall be calculated in either case at the rate at which the parties shall have respectively agreed to pay or receive for the Leaguer, or other Cask of legal measure, as the case may be : Be it therefore hereby ordered and directed,

1. That henceforward every Cask of Wine, Brandy, or Vinegar, brought into Cape Town, shall be gauged on its passing the Market by a sworn and skilful Gauger, to be hereunto appointed by me, and that its contents shall be forthwith marked on the Cask, for the information of the Receiver or Purchaser ; of which contents the aforesaid Gauger shall, after making entry in a Book to be by him kept for this purpose, grant a Certificate under his hand to the Person having charge of the Wine, Brandy, or Vinegar, as the case may be ; which Certificate shall be a sufficient Voucher for the quantity of Wine delivered, and shall regulate the payment to be made, according to antecedent agreement, per Leaguer or otherwise, which agreement shall be henceforward subject to deduction or augmentation, according to the actual quantity of Liquor contained in the Casks.

2. In order to prevent misunderstanding among Purchasers and Sellers of Wine, &c. it is hereby made known, that the following quantities, British measure, are those, which shall henceforward be deemed to regulate all transactions in the Staple Trade, viz.

	Gallons.
A Leaguer	152
A Half Leaguer	76
A Pipe	110
A Half-Pipe	55
An Aum	38
A Half-Aum	19

And whereas the appointment of a Gauger, and the other outlays, which this arrangement will induce, will make it necessary that some further provision should be made to meet the same ; and it appearing likewise to be just and equitable, that, as the Wine Trade is the source of opulence and comfort to the Inhabitants of the Colony, from that source should be drawn

such moderate Revenue as shall contribute to the permanent welfare of the rising generation, without bearing injuriously or even perceptibly upon the Grower or Exporter of this important branch of our Commerce, I have thought proper hereby to direct, that a charge of One Rixdollar shall be made for the Gauge and Certificate of measurement of each Cask, of whatever denomination, passed through the Market; which charge of One Rixdollar shall be paid to the Collector of Tithes, to whose Department the Gauger shall be attached.

And it is hereby further directed, that the Collector of Tithes as aforesaid, shall not carry the amount of this charge for Gauging to the account of Collection of the Branch of Revenue, of which he has the receipt, but shall keep a separate account thereof in order, after paying the amount of the Gauger's Salary, and his incidental expences, to deposit the remainder in the Government Bank, (in the name of the following Committee, viz. the Colonial Secretary, for the time, Chief Justice, ditto, His Majesty's Fiscal, ditto, Senior Minister, Reformed Church, Senior Minister, Lutheran ditto, Senior Chaplain, English Establishment), there to create a Fund for the formation of a Public Library, which, under certain Regulations hereafter to be framed for my approval, by the Committee above-named, shall be open to the Public, and lay the foundation of a system, which shall place the means of knowledge within the reach of the Youth of this remote corner of the Globe, and bring within their reach what the most eloquent of ancient writers has considered to be one of the first blessings of life, "Home Education."

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 20th day of March, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me by the Chief Justice and Members of the Worshipful the Court of Justice, that it would tend to the expedition of Justice, and be less burthen-some to an Appellant from a Sentence of the Court of Landdrost and Heemraden, given under the provisions of the Proclamation of the 18th July last, especially in such Cases in which it may happen that the Appellant shall be in custody, if the Courts of Landdrost and Heemraden aforesaid be instructed to forward, as soon as practicable after any Appeal from such Sentence shall have been noted, to the Worshipful Court of Justice, Copies of all the Documents relating to the Case and Sentence appealed from, in order that the said Worshipful Court of Justice may give such directions for having the Case appealed from, prosecuted without delay, before itself, or remanded for prosecution before the Court of Appeals (in like manner as is prescribed by the 33rd Article of the Proclamation of the 16th May, 1811), as the circumstances of the Case shall appear to the said Court to render expedient: These are therefore to require and direct, that in all Cases of Appeal from Sentences given in the respective Courts of Landdrost and Heemraden, sitting under the provisions of the Proclamation of the 18th July last, the Court of Landdrost and Heemraden shall cause, as soon after the noting of any such Appeal as it may be practicable, Copies of all the Documents relating to the Case and Sentence appealed from, to be transmitted to the Worshipful the Court of Justice, in order that the said Court may be enabled forthwith to decide whether such Case shall be proceeded in, in Appeal before itself, or be remanded for hearing at the next ensuing Session of the Court of Circuit. But in case the Worshipful the Court of Justice shall not have signified its decision previous to the Sitting of the first Court of Session subsequent to an Appeal having been noted, then it shall be imperative upon the Court of Circuit to take cognizance of such Appeal, and proceed therein as if no communication had been made in the premises to the Full Court.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

. God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 20th day of March, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor has desired it to be made known to all Persons interested in the Corn Trade, that although it is his wish and determination to give every practicable facility to the Export of Corn from this Settlement (a measure upon which the prosperity of the Agriculturists so greatly depends, and for which the Settlement is so peculiarly adapted), yet that it appears necessary, until the resources of the Colony for the supply of its Inhabitants be more completely known and ascertained, to protect the Inhabitants and Consumers against the consequences of a too sudden change. With this view it is His Excellency's determination, until the capabilities of the Colony in Grain are expanded, to retain in his own hands, as heretofore, the privilege of granting Licences for the Export of Grain, which Licences will only be granted when the circumstances of the Corn Supplies shall appear to admit of its Export ; but, independent of this check, His Excellency the Governor has notified to the Custom Department, that no Person having a Licence for the Export of Corn, shall be allowed to avail himself thereof (unless for the supply of the Island of St. Helena), when the average market price of Wheat shall exceed the sum of 130 Rds. the Load of Ten Muids, which average price shall be taken from a Weekly Return to be made by the President of

the Burgher Senate, to the Collector of Customs, every Saturday.

Cape of Good Hope, 20th March, 1818.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by the 9th Article of the Proclamation of the 2nd January last, for the enforcement of greater regularity and punctuality in effecting the Transfer and Enregisterment of Landed Property, sold or otherwise disposed of, it is declared, that such Persons as shall have neglected, at the expiration of three calendar months from the date of the aforesaid Proclamation, to pay the Duties due to Government on such transactions, and to procure the necessary Transfers of such Property, shall be liable to a further penalty of treble Transfer Duty, and the Sellers of such Estates are likewise made liable to certain penalties, in cases therein described.

And whereas it appears, that the number of Persons who have neglected to conform to the Regulations of the aforesaid Proclamation of the 2nd January last, and to the Regulations of the several antecedent Proclamations therein referred to, has been so great, that there has not been time to effect the Transfers and Enregisterments required ; it is therefore now made known, that the time given by the 9th Article of the aforesaid Proclamation of the 2nd January last, of three calendar months from that date, for the completion of the acts therein prescribed, is hereby extended until Friday the 1st day of May next ensuing, inclusive ; after which date, all Defaulters as aforesaid will be forthwith proceeded against.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 27th day of March, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by the 54th, 57th, and 58th Articles of Instructions for the Guidance of the several Landdrosts and Heemraden of the Country Districts, the respective Landdrosts are charged with the Prosecution of all Criminal Cases occurring within their Districts in the Court of Justice, and in all other Cases in which the Finance of the District is concerned, either as Appellants or Respondents, as the case may be ; and the said Landdrosts are likewise allowed and directed, to appoint an Advocate to act for them in such Cases before the Supreme Court in Cape Town : And whereas it has been represented to me, that from the encreased population, and the greater regularity which now prevails in the Administration of the Interior, the Business committed to the Advocates of the Landdrosts has proportionally encreased, and that the Expence thereof is become extremely burthensome to these Officers, whose limited Incomes can ill bear the considerable deduction which ensues therefrom ; And whereas upon due inquiry I have ascertained that such Representation is well founded, and that the aforesaid Landdrosts are entitled to Redress therein.

I have therefore thought proper, by virtue of the Power and Authority in me vested, to rescind so much of the 58th Article of the Instructions for the Landdrosts of the Country Districts, as calls upon them to appoint an Advocate for the Prosecution and Defence of Cases as aforesaid, in Cape Town, and to direct, that the Deputy Fiscal, who is taken from the Class of Advocates, shall henceforward be charged R. O. with this Duty, to

whom, therefore, the several Landdrosts will in future address themselves, as they formerly did to the Advocates appointed by themselves, in all Cases hereunto appertaining ; And whereas it appears to be just, that the expence of this alteration should be borne by the respective Districts, it is therefore hereby further ordered and directed, that each of the under-mentioned Districts, viz. :

The Cape,
Stellenbosch,
Swellendam,
George,
Tulbagh,
Graaff-Reinet,
Uitenhage,

shall cause to be paid to the said Deputy Fiscal, yearly, the sum of Two Hundred Rixdollars, in half yearly payments, and the Residency of Simon's Town, One Hundred Rixdollars, in half yearly payments likewise, viz. half thereof, from the afore-said Districts and Residency, on or before the 30th of June in each year, and the other half on or before the 31st December, which payments shall be admitted in the District Accounts as the first costs under the Head of Expences of Criminal Prosecutions.

And in order that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 3rd day of July, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, and upon due inquiry and consideration it has appeared, that the 172nd Article of the Instructions for the respective Boards of Landdrost and Heemraden of the Country Districts, is not sufficiently explicit as to the means to be adopted by the said Boards in those cases in which an Inhabitant shall neglect or refuse to attend for the purpose of making and giving in the usual Opgaaf Return: I have therefore thought proper, by virtue of the power and authority in me vested, to annul the said 172nd Article of the Instructions aforesaid, and to establish, in lieu thereof, the following Article, which is henceforward to be inserted as the 172nd Article of the Instructions for the guidance of the respective Boards of Landdrost and Heemraden, to be attended to as such by the said Boards, and by such other Persons as may be concerned therein, viz:—

172nd Article.

Should any Person neglect to make the required Return within the time prescribed, either in person or through another qualified thereto, in the above-mentioned manner, he shall be liable to a penalty of Five Rixdollars, to be appropriated to the District's Treasury, and continue in the obligation of making the required Return, for which purpose he shall "be summoned by the Secretary of the District, *ex officio*, to appear on a certain fixed day before Landdrost and Commissioned Heemraden sitting to receive the Returns, who are hereby authorised, in case of unwillingness or of the non-appearance of the summoned, to condemn him to be confined until he shall have complied with his obligation; which condemnation shall be carried into effect without further form of process, by or on the order of the Landdrost of the District.

"And in case the Person so confined does not make a regular Return within the space of one month, the Landdrost and Commissioned Heemraden shall fix the sum, which they, in conscience, shall conceive such Person's Quota should be

estimated at, for that year, with further condemnation in the payment of that sum and all the costs of the prosecution and levy, together with a penalty of Ten Rixdollars, the whole to be recovered by *Parata Executio*.

“No Appeal shall be allowed from either of these two decisions, unless on the production of a legal Voucher, that the condemnation of the Landdrost and Commissioned Heemraden has been duly complied with.”

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 7th day of August, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Brewers of this Town have represented to me, that the System of Farming the Retail of Cape-brewed Beer is extremely prejudicial to their Interests, inasmuch as it tends to throw a Monopoly of the Sale of Beer into the hands of one of the said Brewers, to the prejudice of the others ; and whereas it is my wish to give every Encouragement in my Power, (consistent with a due Consideration of the Interests of the Revenue,) to the industrious efforts of those Individuals, who have expended their Capital in the furtherance of any particular Branch of Trade ; I have, therefore, for the present Year, (as a Trial,) accepted from the said Brewers, jointly, a Compensation in lieu of putting up the Retail of Cape Beer to farm, as was advertised for the 13th of the present month, of which I hereby give public Notice.

But whereas it is necessary, that an efficient Check should be had upon the Beer Houses in Cape Town and District, and the Residency of Simon's Town ; and that no Person or Persons shall be allowed to sell Cape-brewed Beer by Retail, without a regular Licence for the same : Be it therefore hereby made known and ordered, that every Person who shall retail Cape-brewed Beer from and after the first day of September next, shall be bound to take out a Licence for that purpose, upon a Stamp of 25 Rds. which Licence shall be taken out in the usual manner from the Office of the Colonial Secretary, and be exhibited to His Majesty's Fiscal, if the said Licence is for Cape Town ; or to the Landdrost or Resident, if the Licence is for the Cape District, or the Residency of Simon's Town.

And if any one shall be detected in selling Cape-brewed Beer by Retail, without the Licence hereby directed, such Person will incur a Penalty of treble the amount of the Licence aforesaid, (over and above the value of the said Licence,) to be sued for and recovered in the usual manner.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 14th day of August, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas on the establishment of a Court of Appeals for Criminal Cases, by Proclamation of the 10th June, 1808, it was expressly provided, that such Cases only should be heard and determined in the said Court, "*which are Appealable from any*

and every Court within this Settlement," conformably to the then existing Laws and Usages : And whereas notwithstanding this precise Regulation, Cases which antecedently would not have been considered legally Appealable, are, and have been, from time to time, brought before the said Court of Appeals for Criminal Cases, such Appeals being in deviation from such necessary Regulation, and which therefore tend, by unnecessary delay, to weaken, if not entirely frustrate, the salutary object of Criminal Justice, to the great injury of Public Security : I have therefore judged it expedient to declare and direct, and I hereby declare and direct accordingly, that henceforward no Appeal shall be admitted before the said Court of Appeals for Criminal Cases, in any Criminal Case which, according to the aforesaid Laws and Usages of this Colony, is not Appealable.

And I do further make known, that the Cases *not* admissible to Appeal, conformably to the Laws and Usages existing on the 10th of June, 1808, aforesaid, are all Sentences given by the Worshipful the Court of Justice, or by the Commissions of Circuit *in Extraordinary Process*, either on confession or conviction of the Delinquent ; saving however the competency of the Governor for the time being, to prescribe such extraordinary provisions as, conformably to the existing Laws, shall be deemed expedient for the interest of Justice and the welfare of the Colony, in all Criminal Cases, without exception, if, upon his examination of the Sentence or Sentences transmitted for his *Fiat*, the nature or circumstance of any Case shall appear to require it.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of August, 1818.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Instructions for the Sequestrator, and other Functionaries of his Department ; containing likewise, an Ordinance for the Judicial Administration of Estates, and for the Execution of Civil Sentences.

December, 1818.

CHAPTER I.

General Regulations.

ARTICLE 1. The Judicial Regulation and Administration of Insolvent and other Estates, as well as the execution of Civil Sentences, which has hitherto been vested with the Chamber for Regulating Insolvent Estates, shall, in future, be effected by a *Sequestrator*, assisted by a *Cashier*, who is at the same time to act as *Assistant Sequestrator* ; a *Head Clerk*, a *Book-keeper*, three *Ordinary Clerks*, and two *Messengers*.

2. The Duties of the Sequestrator shall be carried on under the immediate superintendence of the Court of Justice, whose ordinary assembly he shall be obliged to attend, and make a written Report of all his Proceedings since the last Court Day.

3. All the Monies received by the Sequestrator, shall immediately be paid into the Discount Bank, and all payments to be made by the Sequestrator, shall be done by Draft or Check, signed by the Cashier and Assistant Sequestrator, on the Bank, with which a running Cash Account is to be kept.

4. The Sequestrator, assisted by the Head Clerk, shall keep a Day Book, in which all the daily transactions of the Sequestrator's Department shall be entered.

5. This Day Book, together with the Cash Book, and Cash Account with the Bank, duly made up to the date in which the Court assemble, shall be exhibited by the Sequestrator every ordinary Court Day, in order to be examined by every Member of the Court.

6. The Sequestrator, Assistant Sequestrator, or Head Clerk, shall be present at all Public Sales, for the same purpose as they were attended during the existence of the Chamber for Regulating Insolvent Estates, by one or more of its Members ;

while, for the rest, the Sales shall be held in the usual manner, by a Vendue Clerk, and one of the Messengers, as Auctioneer.

7. All Inventories shall be taken in presence of the Sequestrator, or the Assistant Sequestrator, on which occasion the Head Clerk shall act in the same capacity as the Secretary of the Chamber has hitherto done.

8. The Books of the Administration of this Department shall be regularly closed at the expiration of every year, and a General Statement made out from the same, which, being signed by the Sequestrator, Assistant Sequestrator, and Book-keeper, shall be laid before the Court of Justice, and by the Court forwarded to the Governor, for the time being, with such remarks thereon as the Court may deem necessary.

9. The following shall belong to the Department of the Sequestrator :—

1st. The Estates of all those who, in consequence of inability to pay their Creditors, are obliged to stop payment.

2nd. All unadministered Estates, with the exception however of those, the administration of which is charged to the Orphan Chamber by its Instructions or other special Law.

3rd. The Estates of those whose Persons and Properties may have been placed under Curatorship, or any other Commission, by the Court of Justice, unless there may exist reasons sufficient for some other provision.

4th and finally. The carrying into effect all Civil Sentences pronounced by any of the Courts of Law in this Colony, with the exception of those only, the execution of which is vested with the Boards of Landdrost and Heemraden, by the 53rd and 54th Articles of the Proclamation of the 16th May, 1811.

10. The Court of Justice shall be at liberty, at the request of the majority of the Creditors of an Insolvent Estate, or *ex officio* deeming such necessary, to appoint one or more of the principal Creditors to act, in conjunction with the Sequestrator, as Curators for the interest of the joint Creditors.

11. The Sequestrator and Assistant Sequestrator shall give

good and sufficient Security for the due and faithful performance of all their Duties, the former in a sum of *Fifteen*, and the latter in a sum of *Ten Thousand Rixdollars*, in order to recover therefrom all such damage and loss as may accrue to the interested Parties by their administration, either through wilful impropriety or neglect.

12. In the charging of Fees and other Costs, the Sequestrator is to be regulated by the Tariff annexed to these Instructions, of which a copy is to be hung up in his Office, for the information and guidance of all those whom it may concern.

CHAPTER II.

Of Insolvent, Unadministered, and other Estates, belonging to the Department of the Sequestrator.

13. When any person is so situated as to be unable to pay his Creditors, and that he produces sufficient proof of his inability to pay, the Sequestrator shall, at his request, take his Estate under Sequestration, for the purpose hereafter prescribed by the following Articles.

14. The same shall take place when more than one Sentence is to be executed against the Debtor, and that the Debtor's Estate appears to the Sequestrator to be insufficient to satisfy all Executions brought against him ; while in such cases the Estate shall be put under Sequestration, without any application from the Debtor or Creditors.

15. In like manner, after a person's decease, when the Heirs, whether *ex testamento* or *ab intestato*, may not deem proper to enter on the Estate *simpliciter*, or under the benefit of an Inventory, nor to avail themselves of the right of deliberation, such Estates shall be put under Sequestration in the above-mentioned manner, on the application of one or more of the Creditors, producing sufficient vouchers of the validity of their claims, and after examination, if necessary, in presence of a Commissioner from the Court of Justice, of the persons belonging to the house or estate of the deceased.

16. When an assignment of Property (*cessio bonorum*,) has been granted to any one by the Court of Justice, the Estate of the Assigner shall be entered upon as Insolvent by the

Sequestrator, and by him administered and brought to a settlement.

17. The same shall be observed with respect to Estates of deceased Persons, which may be delivered over as Insolvent by the Orphan Chamber ; as also with regard to such Estates as may be repudiated by the legal Heirs or Executors ; while such Heirs or Executors are hereby specially ordered to give due notice thereof to the Sequestrator, exhibiting an authentic Copy of the Act of Repudiation executed by them, and this within fourteen days after the passing of such Act ; otherwise the Repudiation shall be considered as not having been made, and no judgment given thereon in any case.

18. As soon as an Estate is put under Sequestration, or entered upon as Insolvent, the Sequestrator, assisted by the Head Clerk, shall repair to the House of the Debtor, or where the Estate may otherwise be, and there immediately seal the Chests, Desks, Office, and whatever else may be deemed necessary, as also place the Books and Papers in security ; and further, in case it may be considered requisite, deliver over the Estate into the charge of the Messenger, or some other Person duly authorised thereto ; of all which the Sequestrator shall make report forthwith to the Chief Justice.

19. The charge of the Estate shall, however, be succeeded, as soon as possible, by such measures, either under security for the re-delivery of the Goods belonging to the Estate, or otherwise, as may be most conducive to the preservation of the Estate in the least possible expensive manner. Should the House where the Estate lays be uninhabited, or abandoned by the Debtor, the charge of the same shall not be given to a Messenger ; but shall, after the Books, Papers, and Effects of value be properly secured, be judicially locked up by the Sequestrator.

20. Should any person conceive to have grounds to oppose the taking possession of the Estate, he is to address himself by Memorial to the Court of Justice, exhibiting such Vouchers as can tend to prove the grounds of his opposition ; which Memorial, with the Documents annexed, shall be referred to the Sequestrator for his remarks, should he have any, and who having made his report in writing, the Court shall decide thereon, according to the circumstances of the case. The

sealing being once commenced by the Sequestrator, shall nevertheless be proceeded in, with assistance, in case of forcible opposition, from the Fiscal's Office ; while in this case, the costs of the sealing shall be defrayed by the Opponents, who shall moreover be punished according to the exigencies of the case.

21. One of the principal duties of the Sequestrator is to cause an Inventory to be immediately made, in his presence, of the Estate, by the Head Clerk and the Messenger, which being completed, shall be signed, under offer of Oath, by the Debtor, or by those found in the Estate, who have made the return of the Effects ; and as soon as the Sequestrator may discover any thing further belonging to the Estate, the same shall be immediately added to the Inventory.

22. The Sequestrator shall be obliged, with the previous knowledge of the Chief Justice, or should it be deemed expedient by the same, on the authority of the Full Court, after due investigation, forthwith to convert into Money all perishable Articles ; and further, to collect through the Messenger, as far as possible, all the outstanding Debts—all of which Monies shall be dealt with as prescribed in Article 3.

23. As soon as an Estate is put under Sequestration, or entered upon as Insolvent, all Executions against the same shall immediately cease, and all pending Proceedings, which from their nature ought to be continued for the benefit of the Estate, shall be further carried on by the Sequestrator ; but such, the prosecution of which may not appear advisable to him, after taking legal advice, shall be terminated with every possible dispatch, either by arbitration or in some other convenient manner.

24. Should any doubt exist as to the legality of any Claim, either in favour of or against the Debtor, the Sequestrator shall be at liberty, in order to prevent expensive proceedings and facilitate the speedy settlement of the Estate, to bring such case to the cognizance of the Sitting Commissioner of the Court of Justice, who, after a summary investigation, and should there appear no reason to the contrary, if necessary on Oath of one of the Parties, shall decide the business ; reserving however to the Party cast, the right of Appeal to the Full Court, should the amount in which he be condemned exceed *Three Hundred Rixdollars, Cape Currency.*

25. When a Debtor, whose Estate has been put under Sequestration, wishes to enter into an arrangement with his Creditors, the Debtor shall be obliged, within eight days after the Sequestration, should he reside in Town, or in the Country within a reasonable time, according to the distance of his residence, to deliver in to the Sequestrator the proposals or plan for such arrangement, whether already accepted and signed by any of his Creditors or not, together with a list of all those who have not signed, specifying their names, places of abode, amount of their claims, as also the names of the Bail who have become security for the Debtor, and the pawn or mortgage pledged for the Debt.

26. He shall also be obliged, under the direction of the Sequestrator, to make out a regular and exact Account and Balance of his Estate, with a faithful statement of the Debts due by and to the same, if necessary, under offer of Oath, "That such is a full and true Account and Balance ; and that he is actually indebted the Sums stated therein ; and that he has not *male fide* concealed the names of any of his Creditors ; " which Account and Balance, together with the Papers of the Estate, shall be delivered over to the Sequestrator.

27. The Documents mentioned in the 25th and 26th Articles being delivered to the Sequestrator, he shall examine them without delay, in order to see whether or not the Debtor should be allowed to make such proposal to his Creditors, which shall not be the case should it appear to the Sequestrator, that the Estate is so much loaded with preferent Debts, that after the payment thereof, little or nothing would remain to be distributed among the concurrent Creditors ; and in general, when there is a probability that the proposals will not be accepted by his Creditors, or that the Debtor will not be able to fulfil them ; also not, when the Debtor, either by keeping back or concealing of Property, by *male fide* secreting Books, Papers, or outstanding Debts, by wilfully concealing the names of any Creditors, by secretly benefiting one above the other, or by any other indirect or culpable conduct, shall be found unworthy of such indulgence.

28. When a Debtor has been refused by the Sequestrator to make a Proposal to his Creditors, he shall be at liberty, should he conceive himself aggrieved thereby, to Memorial the Court of Justice, within three days after such refusal ; when the

Court, having previously heard the report of the Sequestrator, will decide according to the circumstances of the case. But should the Sequestrator agree to an arrangement with the Creditors, the Proposals, together with the Documents mentioned in the 25th and 26th Articles, shall remain for a reasonable time, in proportion to the distance of the Creditors' Places of Abode, in the Sequestrator's Office, or some other convenient place, for their inspection and signature, and who shall be at liberty, at their own expense, to take extracts or copies of the same ; of which due Notice shall be given in two successive Gazettes.

29. A Creditor refusing to sign the proposed arrangement, the Bail, provided he or they have paid the Creditor the sum for which they were Security, shall be considered as Creditors in the place of the original Creditor, and for the same amount, and as such allowed to sign the proposals ; but a Creditor having signed himself, shall not come upon the Bail for any further sum than he has a right to, by virtue of such arrangement with the Debtor ; neither shall he have any further claim on the Pawn or Mortgage, which has been pledged for the Debt, than for that amount to which he is entitled by his agreement with the Debtor.

30. What is prescribed in the five preceding Articles shall be likewise observed in such cases as are mentioned in Art. 15, when the Heirs of the Estate under Sequestration are willing to enter into an arrangement with the Creditors, and who, in such case, shall be considered in so far as the Representatives of the deceased Debtor. And that the Heirs of such Estate may not be ignorant of its being under Sequestration, the Sequestrator shall be obliged, as soon as the Estate is delivered into his charge, to send written notice thereof to the house of the known Heirs, and if the Heirs be abroad, by letter ; or if unknown, by Advertisement in the Gazette ; unless, should the Heirs be absent or abroad, the Sequestrator may think it more advantageous for the Estate to act otherwise ; in which case the Court of Justice, on application from the Sequestrator, will make such disposition respecting the Estate, as the circumstances of the case may require.

31. It shall be the Sequestrator's duty, during the time that the proposals and documents mentioned in Art. 26 remain for

the inspection of the Creditors, to use every endeavour to induce them to accept of the proposed terms. After the expiration of the time prescribed, the Creditors who have not yet signed, shall be summoned by written notice sent to their houses, or in case of being abroad, by Letters, and also by Advertisement in the Gazette, to appear, either personally or by proxy, at the Sequestrator's Office, on a certain fixed day, who is then to hear them; and, if possible, induce them to accept of the proposals; while those thus called upon, who do not appear, shall be considered as having acceded to the terms proposed.

32. The Sequestrator shall be at liberty, should it be proposed by one or more of the Creditors, and considered eligible by him, to oblige the joint Creditors, or one or more of them, to make Oath, that they have not entered into any other agreement with the Debtor, nor that one of them has been favoured above the other; and also that they are *bona fide* Creditors to the amount specified in the proposals, or claimed by them.

33. After this Meeting, a List shall be made out of the Claims of those Creditors who have not signed, in such manner, that the preferent Debts be kept separate from the concurrent ones. When the Claims of the concurrent Creditors, who have not acceded to the proposals, amount together to 5 per Cent. or the *twentieth part* of the whole amount of the Debts, the proposals shall be declared as annulled, even should the amount of the Debtor's Estate be found fully sufficient to make such payment. But when both the preferent and concurrent Claims of the Creditors, who have not acceded to the proposals, agreeably to the above Regulations, do not amount to the sum required for annulling the proposals, the proposed arrangement shall be then declared as duly effected.

34. When the arrangement be concluded, the same, should there exist no reason to the contrary, shall be approved of by the Court of Justice; for which purpose, the Sequestrator shall transmit to the Court the necessary written proposals, annexing thereto all the papers in his possession relative to the Estate.

35. The effect of an arrangement so concluded, is, that the Estate shall be immediately released from Sequestration, on payment of the costs incurred; of which a regular act shall be formed and lodged in the Sequestrator's Office, in order to the Estate being then given up to the interested parties. The

Debtor shall, in such case, be obliged, first to pay to the preferent Creditors, who have not signed or acceded to the arrangement, the full amount of their Claims, and afterwards those of the other Creditors, in the manner prescribed in the arrangement : reserving, however, to such concurrent Creditors as have not signed, after payment be made by the Debtor, their right to come upon the Bail for the deficiency.

36. The Agreement entered into shall not affect those Creditors whose names do not appear on the list, and consequently who have not been summoned, provided they declare, on Oath, that they were not informed in time of the Sequestration of the Estate and proposals for arrangement, and that the contrary cannot be proved.

37. The Debtor failing to comply strictly with the Agreement entered into, and this appearing to the Sequestrator, or when the Debtor, even after effecting the arrangement by any indirect or faithless conduct, as mentioned in Article 27, may be found unworthy of the privilege of compromising with his Creditors, the Estate shall immediately be re-taken possession of by the Sequestrator, and declared Insolvent.

38. The same shall have place when the Debtor himself declares (on the Sequestrator's entering on the Administration of his Estate) it to be his wish, that the same should be administered as Insolvent ; or when no arrangement has been proposed within the time prescribed in Article 25, or proposals being made, refused by the Sequestrator, for the reasons mentioned in Article 27 ; or when the proposed arrangement is not agreed to. While in all cases mentioned in this and the preceding Article, the Estate shall immediately be administered as Insolvent, and brought to a settlement as speedily as possible by the Sequestrator.

39. From the moment that an Estate is declared Insolvent, the Sequestrator shall be considered as in the full possession and administration of the same ; and from that moment also, all co-direction of a Debtor, whose Estate was under Sequestration, shall entirely cease.

40. As soon as an Estate is declared Insolvent, the Sequestrator shall advertise it in the Gazette, at the same time prescribing to the Creditors a period of six weeks ; within which they are to transmit their Claims to the Sequestrator's Office

for registration, accompanied with the necessary vouchers of the legality thereof, on pain of deprivation of their rights ; but should the known or supposed Creditors be absent or abroad, this term shall be extended according to the circumstances, and at the same time notice hereof given them in the best possible manner. Creditors who, after the expiration of the prescribed time, but previous to the Dividend of the Estate, may bring in their Claims, shall forfeit all Right of Action against the Estate, unless they can prove, and if required make Oath, that they were ignorant of the Insolvency or of the Advertisement in the Gazette, and prevented by legal reasons from giving in their Claims within the period prescribed ; but the Estate being once distributed, they shall forfeit all right against either the Estate or the other Creditors. Further, the Publication of 4th Sept. 1805, respecting Transfers, Cessions, Pledges, and other Securities, entered into by the Debtor within twenty-eight days previous to the Insolvency, is to be considered as if it were here inserted.

41. The Sequestrator shall, as speedily as possible, collect in the outstanding debts ; and the landed and moveable Property belonging to the Estate shall be sold by Public Sale, after being advertised in the Gazette, agreeably to the usage here, and the proceeds of the Sales, as well as the Debts collected, dealt with as directed by the 3rd Article. From this Sale, however, shall be specially excepted the daily Wearing Apparel of the Debtor and his Family, the Bedsteads and Bedding which they sleep on, and which they require, together with the necessary Household Furniture ; and should the Debtor, or any of his Family, exercise any Trade or Handicraft for their subsistence, in such case the requisite Tools thereto ; of all which a List shall be made out and deposited in the Sequestrator's Office, who, in this respect, is to act entirely according to the circumstances of the case, keeping in view the situation in life and age of the Debtor.

42. As soon as the Sequestrator has advanced so far in the administration and settlement of an Estate, that he can ascertain the amount of its value, he shall make out an exact Account and Balance of the same, containing the proceeds of the Sales, both of the landed and moveable Property, together with the Debts already collected or still outstanding, and every

thing else appertaining to the Estate, as also all Debts due by the same ; of which Account the Sequestrator shall lay before the Court a Copy signed by him, on the next ensuing Court Day.

43. The proceeds of the Estate shall be distributed, first to the preferent Creditors, in the order in which they respectively succeed, and then the remainder among the concurrent Creditors, by Dividend ; for which purpose, the Sequestrator, after having made out an Account of the Estate, shall form a plan of distribution, containing first the preferent Debts, agreeably to the above-mentioned order, and should any Balance remain for the concurrent Creditors, then the manner in which such ought to be divided amongst them.

44. The plan of distribution being made out, shall remain, together with the account and papers of the Estate, in the Sequestrator's Office, for the space of fourteen days, or longer, according to the distance of the residence of the Creditors, for their inspection, and who shall be at liberty to take copies or extracts from the same, at their own expense ; of all which the Sequestrator is to give timely notice by Advertisement in the Gazette.

45. The Creditors shall be at liberty, in so far as the Interest of their Claims may require, to make their remarks in writing against the plan of distribution, within the above-mentioned period. Also, should the Creditors conceive themselves injured in their rights by the plan of Preference and Concurrence, they shall be at liberty, within the said period, to institute Proceedings against the Sequestrator before the Court of Justice, for such purpose as they may deem advisable ; in which case, the Suit shall be terminated with all possible dispatch, either *de plano* before the Sitting Commissioner, or before the Full Court, by weekly terms. But the above-mentioned time being expired, no remarks will be received from the Creditors, nor any Proceedings respecting Preference or Concurrence allowed them.

46. After the expiration of the period prescribed by Article 44, the plan of Preference and Concurrence, with the Account and Balance, and further Papers, relative both to the Estate and to the verification of the several Claims ; as also, the remarks sent in by the Creditors, shall be forwarded by the

Sequestrator to the Court of Justice, together with a Schedule of all these Documents, duly lettered and numbered.

47. The Business being in this manner brought to the cognizance of the Court of Justice, the Documents sent in by the Sequestrator, as also, in case of any Action being instituted by the Creditors, respecting the Preference and Concurrence, the Documents appertaining to such Action, after the Proceedings therein shall have been closed, shall, as speedily as possible, be made a subject of deliberation by the Court, which shall decide and give judgment on the right of Preference and Concurrence, according to the circumstances of the case.

48. This Sentence of Preference and Concurrence being given and pronounced, the Sequestrator must wait ten days after the promulgation, which having expired without an Appeal being noted by any of the Creditors against the same, he is to apply to the Secretary of the Court, from whom he will then receive back the Papers, with the Sentence, and thereupon immediately proceed to make the payments, agreeably to the manner prescribed thereby. The Creditors, on receiving the sums allotted to them, shall not be bound to give any security for the restitution thereof; but should an Appeal against the Sentence of Preference and Concurrence be made by any of the Creditors, the payment shall be only provisional, and saving the Appeal, in which case the Creditors shall be obliged to give Security *de restituendo*.

49. In order to give all possible celerity to the settlement of Estates, the Sequestrator shall have the right to give in payment to the Creditors, instead of Cash, such Actions or Claims belonging to the Debtor as could not yet be collected, of equal value and security however as Cash, and which can be considered as such.

50. The proceeds of all small Estates not exceeding the sum of *Four Hundred Rixdollars*, after deduction of the expenses, shall be divided, without any form of process, by the Sequestrator, among the Creditors. For this purpose, the known and unknown Creditors, must be summoned by Messages, Letters, or Advertisement in the Gazette, a Month before, or longer, should circumstances require, to appear on a certain day at the Office of the Sequestrator, who, having heard the parties, will, in case of dispute respecting the Preference and Concurrence,

decide immediately, and *de plano*, wherefrom no Appeal will be allowed ; on which the Dividend shall be forthwith made, agreeably to the decision of the Sequestrator.

51. Should it appear to the Sequestrator, previous to the Sentence of Preference and Concurrence being given, that the Estate is sufficient for the payment of one or more notorious preferent Debts, and that he is enabled to pay these Debts, either from the Monies already collected, or from the outstanding *liquid* Claims, which, as possessing a fixed and prescribed value, can be given to the preferent Creditors instead of Cash, he shall be obliged to tender to such Creditors the provisional payment of their demands, however under security *de restituendo* ; and in case of refusal to accept the tendered payment, such Creditors shall not be allowed to charge any Interest to the Insolvent Estate, from the day of their refusal. In like manner, the preferent Creditors, seeing that the amount of the Estate is sufficient, after deduction of the more preferent Debts, to pay their Claims, and being able, summarily, to prove it, they may apply by Memorial to the Court of Justice, praying that the Sequestrator be authorised to pay their Claims, in manner and under the conditions above-mentioned, which Memorial being referred to the Sequestrator, and he having reported thereon, the Court will decide on the same, as the exigencies of the case may require.

52. All Insolvent and other Estates, the administration and settlement of which are charged to the Sequestrator by these Instructions, saving the provisional payment of notorious preferent Debts, as prescribed in the preceding Article, shall be brought to a final settlement, in Cape Town and the Cape District, within six months ; in the Districts of Stellenbosch and Tulbagh, within nine months ; and in the other Country Districts, within twelve months from the day of the sale. And in case any legal cause may prevent the strict observance hereof, the Sequestrator is to give due notice of the same in his written weekly report to the Court of Justice, in order that such provision may be made therein, as the circumstances of the case may require.

53. When the Sentence of Preference and Concurrence shall have obtained the force of a definitive Judgment, by no Appeal having been made by any of the Creditors within the ten days

prescribed by Law, the Debtor shall be at liberty to address the Court of Justice by Memorial, for an Act of Rehabilitation, provided that he has, in every respect, acted honestly and uprightly, and that he, neither before nor after his Insolvency, has been guilty of any of the misdemeanors or indirect conduct mentioned in Article 27 ; which he must prove to the Court, by annexing to his Memorial a Declaration, signed by a majority of his Creditors, making more than half of the amount of the Debts and of the number of his Creditors, as also by the Sequestrator. This Memorial being received by the Court, shall be referred to the Sitting Commissioner, who is thereupon to summon and hear the Creditors who have not signed, and should he deem it necessary, cause the Debtor to make Oath, "That he has obtained the Declaration of his Creditors annexed to his Memorial, without craft or fraud, and without having bribed any of them directly or indirectly." On which the Commissioner having made his report, the Court will finally dispose on the Memorial.

54. When this request of the Debtor is complied with, an Act shall be prepared in the Secretary's Office of the Court of Justice, stating : "That the Debtor, both previous and subsequent to his Insolvency, acted in every respect as an honest and upright man ;—that he is therefore worthy the privileges granted by this Ordinance to such Debtors ; consisting herein, that he is fully discharged and acquitted from all the Claims of his Creditors, excepting what has been adjudged them by the Sentence of Preference and Concurrence, and that he may trade and negotiate as before, and which privileges are granted to him by this Public Act accordingly." This Act shall be ratified by the Signatures of the Chief Justice and of the Secretary of the Court, in the usual manner, and the Great Seal of the Court affixed thereto. And that no Person may plead ignorance thereof, it shall be published and affixed as customary.

55. Every thing above prescribed respecting Sequestrated and Insolvent Estates, shall also be observed, in so far as the nature of the case will allow with regard to other Estates or Property, which although *Solvent*, must be administered and brought to a Settlement by the Sequestrator, in which Administration he must act conformably to the Laws and Usages in observance here on this head.

56. The following are to be considered as the Estates and Properties meant by the preceding Article :—

- (§ *a*) The Estates of Lunatics and Spendthrifts, which are placed in the hands of Trustees (Curators), by Decree of the Court of Justice. The Court is however at liberty, in particular cases, and should there exist sufficient reasons thereto, to appoint other Trustees over such Persons and their Effects.
- (§ *b*) The Estates of those, who, in consequence of a Criminal Accusation, are detained in custody, or imprisoned for Crime, unless they may have provided for the Administration of their Property themselves. Likewise, the Estates of those who have laid violent hands on themselves, and who are therefore subject to Penal Law; such Estates, however, to be immediately given up to those who can prove their just right thereto.
- (§ *c*) The Estates of all Persons dying in this Colony, whose Heirs are Minors, or abroad, should no provision be made for their Administration, or the appointed Administrators, Guardians, or Executors, absent or deceased; and if at the same time the Orphan Chamber be excluded by Will from the Administration.
- (§ *d*) All Property found in this Colony, the Owners of which are not here, unknown, or missing, and for the Administration of which no Person has been appointed, or of which the Administrator has absented himself, or is dead, without having substituted or surrogated any Person in his stead.
- (§ *e*) The joint Estates of Married Persons who have been separated by Judicial Sentence from Bed, Board, and Community of Property, or when a Divorce has been decreed; which Estates must be brought to a settlement, as much as possible, with the concurrence, and to the satisfaction, of both the Separated Parties, and thereupon divided, according to Law. Should the Separated Parties however memorial the Court of Justice, the Court is authorised to dispense

with the Sequestrator's interference, and to make such other disposition respecting the Division of the Estate as the Court may deem proper.

57. No person shall be at liberty, on his own authority, to take or keep possession of any of the Estates mentioned in these Instructions, but every possessor of any such must immediately give notice to the Sequestrator's Office, on pain of being obliged to make good the damage occasioned thereby to the interested Parties, over and above a fine of *One Hundred Rixdollars*, in case the said notification be not made within three days after the illegal possession, and after that the circumstance of such Property having fallen under Public Administration, shall have come to his knowledge ; all saving such Criminal Action as the Fiscal, *R.O.* may conceive it necessary to institute against those who have thereby been guilty of fraud or intentional malversation. The provisions contained in the Proclamation of the 15th October, 1813, " Respecting Testamentary Executors, who continue in the Administration of Estates, after the same have appeared to be Insolvent," moreover remaining in full force. And when an Estate falls under the Administration of the Sequestrator by virtue of a Judicial Decree or Sentence, as also, when a person is liable to Penal Law, by Criminal Custody or Crime, immediate information is to be given thereof to the Sequestrator's Office, in the former case by the Secretary of the Court of Justice, and in the latter by His Majesty's Fiscal.

58. When the Estates mentioned in Article 56, § *a* and § *e*, are not administered and brought to a settlement by the Sequestrator, the Public Sales of the same, however, shall be held by him as Venduemaster, and the proceeds thereof, after deduction of the expenses, paid to the interested Parties three months after the Sale.

CHAPTER III.

Of the Execution of Civil Sentences.

59. No person shall be at liberty to lay over any Sentence for Execution against which the Party cast has appealed, unless such Appeal shall have been declared null and void by the competent Court ; or unless the Sentence, notwithstanding the

Appeal, be declared liable to Execution, under security. Superannuated Sentences may not either be laid at Execution without a previous Decree of the Court of Justice thereto ; neither Sentences to which any condition is attached, unless such condition be previously complied with.

60. All those wishing to put up a Sentence in force, with the execution of which the Sequestrator is charged, must summon and re-summon the condemned Party to compliance by the Messenger of the Court which gave the Sentence in manner hitherto in observance here ; on which the Sentence, together with the Act of Summons and Re-summons, as also the Report of the Messenger, shall be delivered into the Sequestrator's Office, in order to be carried into execution. Sentences by which *parata Executio* is decreed, are to be delivered over to the Sequestrator, without any previous Summons.

61. In case the Sentence to be laid for execution is for the payment of a certain sum of Money, the Sequestrator shall, as soon as possible, summon the Debtor to appear before him, in order to pay the Debt, with the Costs ; or either in person, or by proxy duly authorised to make a return of, and point out to the Sequestrator such and so much Property from the Sale of which the Debt, with the Costs, can be paid ; and should the Debtor comply herewith, no charge shall be made for such attendance.

62. On the *non* appearance or refusal of the Debtor, or some person on his behalf, the Sequestrator, or Assistant Sequestrator, assisted by the Head Clerk, or one of the other Clerks, and a Messenger, shall repair to the house of the Debtor, within twenty-four hours, should he live in Town, or in the Vicinity ; or if in the Country, within so many days' distance as he resides from Cape Town, and there demand, that so much Property be pointed out, as the Sequestrator or Assistant Sequestrator may deem sufficient to satisfy the Sentence ; which Property shall be immediately inventoried, and a Judicial Attachment laid on the same.

63. Should this demand be refused, the Sequestrator, without requiring any other authority, and if necessary, assisted by the Fiscal's Officers, or such other strong power as may be attainable at the time, shall immediately lay an Attachment under Inventory on as much *moveable Property* belonging to the

Debtor, as he may deem sufficient to satisfy the Execution, of which a regular Act shall be made out, and signed by the Sequestrator, or Assistant Sequestrator, together with the Head or other Clerks, and delivered to the Debtor.

64. The above-mentioned shall not, however, have place, should the Sentence declare any particular Property to be specially bound, and liable to Execution for the Debt ; but in this case such Property must first be sold : or if a Person be condemned, not on his own account, but in his capacity as Agent, then the Property not being pointed out, the Sequestrator shall not go on with the Execution, but proceed thereto by summoning the Party condemned, to comply, on pain of confinement, in the same manner as against those who are condemned to the performance of any Act or Deed ; from which confinement, however, the Party shall be freed, when he can show or confirm on Oath, that he has not any Property in his possession as Agent, which he could point out, wherewith to satisfy the Execution.

65. When the Property is attached, the Sequestrator is to be understood as having the immediate possession ; and he is to take special care, either by placing a trusty person in charge, by taking security, or by other sufficient measures, that the Goods be not *male fide* conveyed away, or in any other manner withdrawn from his charge.

66. Under this charge, however, the Property is not to remain longer than fourteen days, on the expiration of which, if the Debtor has not paid in the meantime, or satisfied the Creditor in some other manner, the Goods are to be publicly sold, in presence of the Sequestrator, or Assistant Sequestrator, having been previously advertised in the usual manner, in two succeeding Gazettes. These fourteen days, however, shall be extended in the same manner as prescribed in Article 62, to so many days longer, as the place where the Sale is to be held, is days distance from Cape Town.

67. The Debtor having paid the Creditor within fourteen days after the attachment, or after he has made a voluntary return of Property, or having satisfied the Creditor in any other manner, shall not be subject to a payment of $2\frac{1}{2}$ per Cent. to Government ; but should he come to a settlement with the Creditor after the expiration of these fourteen days, he shall

then be obliged to pay the said per Centage to the Sequestrator, and for which the Sentence is to remain executionable, excepting in such case where the Debt continuing, the arrangement between the Debtor and Creditor has only for its object the giving a better security for the Debt.

68. The Sequestrator, *previous to the Sale* of the attached Goods, is to make out an exact account of the Costs of the Execution, including therein the Costs of Suit, in so far as they can be charged to the Debtor ; and the Sale being commenced, he shall stop the same as soon as he conceives that the proceeds of those already sold will be sufficient to satisfy the Execution ; on which the Attachment laid by the Sequestrator shall be immediately taken off, and the Debtor put in possession of the Goods unsold.

69. The proceeds of these Sales shall be collected by the Messenger, who is to pay them into the Office of the Sequestrator, in order to their being deposited in the Discount Bank, agreeably to Article 3.

70. Three months after the date of the Sale, or such longer term as is allowed to the Venduemasters in the respective Country Districts for making their payments, the Sequestrator is to make out an account of the Costs attending the Execution, in order to this being deducted from the proceeds, and the remainder paid to the Creditor, whether under security *de restituendo*, should the circumstances of the case require it, or without any security.

71. Should a greater sum remain after deduction of the Costs than the amount of the Creditor's Claim, the Debtor is to be informed thereof in writing, in order that he may receive the same from the Sequestrator's Office on a regular Receipt, without any diminution whatsoever or the payment of any further Costs.

72. The account of the Costs of the Execution may be inspected and examined in the Sequestrator's Office by the Debtor, free of all expense ; and should he have any complaint against the same, his objections shall, at his request, be examined into by the Sitting Commissioner of the Court of Justice, who will then either ratify the account, by his approval, or moderate it, according to circumstances, with which decision the Debtor must be satisfied.

73. Should the Sequestrator, after due inquiry, not find sufficient moveable Property belonging to the Debtor, or when the proceeds of the Goods sold do not amount to the sum required, Execution against the Landed Property shall be proceeded to ; keeping however in view, that a large Property must not be sold for a small Debt, unless the circumstances and interest of the Debtor should require it ; in which respect the Sequestrator is previously to make a reasonable arrangement with the Debtor.

74. When Landed Property is pointed out by the Debtor, or declared liable to Execution by a Sentence, or when in case of an insufficiency of moveable Property, the Execution must be directed against the Landed Property ; the Sequestrator shall, within the time prescribed by Article 62, or should the insufficiency of the moveable Property not appear till after the Sale, then immediately after lay an Attachment on the Landed Property.

75. After the Landed Property has been attached, the Sequestrator is to make a strict inquiry with respect to how far the same may be mortgaged ; for which purpose he will be at liberty to take such Extracts from the Public Register of Debts, kept in the Colonial Office, and from the Transfer Book, as he may deem necessary for his information.

76. Three weeks after the Landed Property has been attached, it must be publicly sold by the Sequestrator, agreeably to the manner in observance here ; the Sale being previously notified in three successive Gazettes, and by printed Handbills posted up in the usual places, both in Town and in the Country Districts.

77. The Purchaser of the Landed Property sold by Execution is to pay the amount to the Sequestrator, by three instalments, the first in Cash immediately, or at the utmost within eight days after the Sale, and the two others at one and two years from the day of the Sale, without the Purchaser being obliged to pay any other interest on the two last instalments than what may become due after the expiration of the term ; while for the payment of these two last instalments, the Purchaser shall execute a regular Mortgage Bond in the Colonial Office, and shall besides, immediately after the Sale, find two good and sufficient Securities, who are to bind themselves jointly and

severally, and under renunciation of the benefits *ordinis et divisionis*, for the payment of the full sum, and who are to be responsible and liable to Execution for the same.

78. After the Sale of the Landed Property, the Creditors who may conceive to have any special right by Mortgage, on the proceeds of the same, shall be called upon by Advertisement in the Gazette, and as far as possible by Letters sent to their Houses, to send in their Claims, accompanied with proper vouchers, to the Sequestrator's Office, within six weeks ; or in case of the Creditors being absent or abroad, within such time as circumstances will allow, on pain of being deprived of their right. And should the Claims of the Creditors be sent in within the time prescribed, the Sequestrator is then to make out a Plan of Preference, in which, in the first place, the costs attending the Execution are always to be charged ; which Plan is to be laid before the Court of Justice, together with the necessary Documents for obtaining the Sentence of Preference ; while all further proceedings in this respect shall be carried on in the same manner as prescribed in Articles 45, 46, and 47, regarding Insolvent Estates.

79. When the Sentence of Preference is pronounced, the Debtor, on giving due Receipt, may receive the Overplus, which remains after satisfying the Execution, in manner as abovementioned by Article 71, while for the rest, every thing which has been already prescribed with regard to Insolvent Estates, shall also be observed in this respect.

80. No Claim of Preference on the Proceeds of the Landed Property sold being made, the Sequestrator shall, after the expiration of the time prescribed to the Creditors, make out an Account of the Expenses attending the Execution, and further act as above-mentioned in Article 70.

81. The Mortgage Bond for the second and last Instalment of the Purchase Money being executed by the Purchaser, is to be given to the Creditors in payment, instead of Cash.

82. Should the Sequestrator not find sufficient moveable nor Landed Property belonging to the Debtor, he is then, in the above-mentioned manner, to attach Bonds and other outstanding Debts, Actions, or Claims, to which the Debtor may be entitled ; of which regular notice shall be immediately given, by the Messenger, to those who may be so indebted.

83. The outstanding Claims belonging to the Debtor being thus attached, shall be collected with all possible dispatch, and the Bonds and Actions so attached, as also the outstanding Debts, should they be of an illiquid nature, or the interest of the Debtor allow of it, and the Sequestrator deem it advisable, shall, after being twice advertised in the Gazette, be publicly sold to the highest Bidder, within the term, and in the manner prescribed by Article 66.

84. In carrying of Sentences into Execution, the Sequestrator must guard against stopping or delaying the Execution for any term, unless he may have obtained the written consent and order of the Creditor so to do ; in which regard the Sequestrator is specially ordered :

- (a) Not to accept any request for staying the Execution, whereby he officially would bind himself to any time or condition ; but to consider all requests from Creditors, for that purpose, as unlimited and unconditional, even were any specification of time or condition expressed therein.
- (b) Not to recommence the Execution of any Sentence on which a staying has been granted, without the *written* Request of the Creditors thereto.
- (c) To return to the Creditor, as prescribed, all Sentences on which prolongation has been granted, after the expiration of a year from the day of the delay, and to make him pay the Costs incurred.

85. Excepting the granting of delay, no other arrangements of whatsoever nature, between the Debtor and the Creditor, can oblige the Sequestrator, *nomine officii*, to deviate from the Instructions without higher authority.

86. Should there not be found a sufficiency of either moveable or Landed Property, nor of Credits, Actions, or Claims, belonging to the Debtor, to satisfy the Execution, the Sequestrator shall pass and sign a declaration thereof, which is to be deposited in his Office for the information of his Creditor, who may take a copy of the same, and thereupon proceed agreeably to the manner in observance here, either for Civil Imprisonment of the Debtor, or for the Execution of such Goods, Monies, or Credits, as the Debtor may possess out of the Colony. The

Costs incurred in such Proceedings, shall be defrayed by the Creditor.

87. Should the place where an executorial Sale is to be held in the Country Districts, be far from Cape Town, the Sequestrator, should it tend to spare expense, shall forward the Sentence to the Landdrost of the District, who, in carrying the same into execution, shall be obliged strictly to observe these Instructions.

88. Sentences, whereby a provisional payment is awarded, are to be carried into execution in two several ways, at the option of the Creditor ; either by making payment to him under Security *de restituendo*, a copy of which Act of Security is to be delivered to the Debtor with the Summons ; or by paying the Money into the Office of the Sequestrator, who is to deposit it in the Discount Bank, where the Creditor can receive it on a Draft from the Assistant Sequestrator, after having given a like Security, and the Act thereof being delivered to the Debtor.

89. When a Person in any capacity, or otherwise, is condemned to the performance of a certain Act or Deed, and that the Sentence is enforced by way of confinement, the Plaintiff shall have the right, after the Defendant has been confined fourteen days, and still does not comply with the condemnation, to request, that the interest which he has in the compliance, may be estimated and converted by the Sentence into a certain pecuniary sum ; for which purpose he is to deliver in a declaration, which being discussed by the Defendant, and thereupon taxed by the Court which gave the Sentence, the Execution shall be effected in the same manner, as in all other condemnations for the payment of Money.

90. Should the Defendant himself, or any other person, conceive to have a right to oppose the Execution, he may not take any other step than address, by Memorial, the Court of Justice by which the sentence was given, praying for an Interdiction to stop the Execution, on which the Court will grant such disposition as the Laws and manner of proceeding here dictate.

91. Should any Gold or Silver Money be received by the Sequestrator, and that its value exceeds the course of Exchange of the Paper Currency for the time being, the Sequestrator shall, for account of the Estate wherein such Specie was found

at the time of entering on the Administration, exchange the same for Paper Money, and bring the greater proceeds thereof to the Credit of the Estate.

92. The Sequestrator, and other Functionaries of his Department, shall not, either for themselves or for others, take out any of the Monies under their Administration, whether by way of Loan or Disbursement, were it even on the highest and most unexceptionable Security, on pain of Infamy, and immediate Dismissal from their Office.

93. These Instructions and Ordinance shall, at all times, be altered, amplified, or curtailed, as the Governor for the time being may deem most conducive to the prosperity of the Colony.

Oath for the Sequestrator.

“ I promise and swear to be true and faithful to His Majesty GEORGE, &c. &c. &c.

“ That I shall, neither from Love or from Hate, Friendship or Enmity, Affection or Disaffection, nor for any Cause or Reason whatsoever, ever lose sight of the Interest of the Estates, and other Administrations committed to my charge ; but, on the contrary, that I shall, to the best of my power and ability, promote, or cause to be promoted by those under me, the advantage of the same, and of those interested therein ; that I shall always shew every honor and respect to His Excellency the Governor, and that I shall strictly follow and obey all the Orders of His Excellency, as a faithful Servant of Government ; that I shall scrupulously observe, and cause to be observed by those in my Department, the Instructions prescribed for the same, with such Alterations and Amendments as the Governor for the time being may deem proper to make ; that to obtain this Situation I have never promised or given, or shall promise or give, directly or indirectly, either myself or through others, to any Person in or out of Government, under any name or pretext whatsoever, any Gift or Gifts ; that I shall never accept, or cause to be accepted, any Gift or Gifts, or Presents, not even of an eatable nature, or of the smallest value, either for myself or for any of my Relations, from or in the name of any person who has, or may probably have, any business or

claim pending in the Sequestrator's Office ; and that I shall conduct myself, in every respect, as an honorable and faithful Sequestrator ought and is bound to do—*So help me God !* ”

Oath for the Assistant Sequestrator.

“ I promise and swear to be true and faithful to His Majesty GEORGE, &c. &c. &c.

“ That I shall, neither from Love or Hate, Friendship or Enmity, Affection or Disaffection, nor for any Cause or Reason whatsoever, ever lose sight of the Interest of the Estates and other Administrations committed to my charge ; but, on the contrary, that I shall, to the best of my power and ability, promote, and, in the absence of the Sequestrator, cause to be promoted the advantage of the same, and of those interested therein ; that I shall always shew every honor and respect to the Governor for the time being ; and, as a faithful Servant of Government, strictly follow and obey the Orders of His Excellency ; that I shall scrupulously observe, and, in the absence of the Sequestrator, cause to be observed, by every one belonging to this Department, the Instructions prescribed for the same, with such alterations and amendments as the Governor for the time being may deem proper to make ; that I shall observe the most scrupulous and faithful exactness, in keeping my Cash Book and Cash Account with the Bank ; and take care, that the same shall be always so balanced, that it can, on the first requisition, be produced to Government, or to the Court of Justice ; that, to obtain this situation, I have never promised or given, or shall promise or give, directly or indirectly, either myself or through others, to any person in or out of Government, under any name or pretext whatsoever, any Gift or Gifts ; that I shall never accept of, or cause to be accepted, any Gift, Gifts, or Presents, not even of an eatable nature, or of the smallest value, either for myself or for any of my Relations, from or in the name of any person who has, or may probably have, any business or claim pending in the Sequestrator's Office ; and that I shall further conduct myself, in every respect, as an honorable and faithful Assistant Sequestrator ought and is bound to do—*So help me God !* ”

Oath for the Head Clerk.

“ I promise and swear to be true and faithful to His Majesty GEORGE, &c. &c. &c.

“ That I shall faithfully perform and discharge all the Duties of Head Clerk in the Sequestrator’s Department, to the best of my power and abilities, conformably to the Instructions already or hereafter to be prescribed ; that I shall follow and obey the orders and directions of the Sequestrator, and Assistant Sequestrator, and take care, that the Documents and Papers belonging to the Department, be kept and preserved in good order ; that I shall never disclose any thing, which, either from its nature or in consequence of orders given, should be kept secret ; that to obtain this situation, I have never promised or given, or shall promise or give, directly or indirectly, either myself or through others, to any person in or out of Government, under any name or pretext whatsoever, any Gift or Gifts ; that I shall never accept, or cause to be accepted, any Gift, Gifts, or Presents, not even of an eatable nature, or of the smallest value, either for myself or for any of my Relations, from or in the name of any person who has, or may probably have, any business or claim pending in the Sequestrator’s Office ; and that I shall further conduct myself, in every respect, as an honorable and faithful Head Clerk in the Sequestrator’s Department ought and is bound to do—*So help me God !* ”

Oath for the Book-keeper.

“ I promise and swear to be true and faithful to His Majesty GEORGE, &c. &c. &c.

“ That I shall faithfully perform and discharge all the Duties of Book-keeper to the Sequestrator’s Department, to the best of my power and abilities, conformably to the Instructions already or hereafter to be prescribed for the same ; that I shall follow and obey the orders and directions of the Sequestrator, and Assistant Sequestrator, and take care, that the Books belonging to the Department be kept with the most scrupulous fidelity and exactness ; that I shall never disclose any thing, which, either from its nature, or in consequence of orders given, should be kept secret ; that, to obtain this situation, I have

never promised or given, or shall promise or give, directly or indirectly, either myself or through others, to any person in or out of Government, under any name or pretext whatsoever, any Gift or Gifts ; neither shall I ever accept of, or cause to be accepted, any Gift, Gifts, or Presents, not even of an eatable nature, or of the smallest value, either for myself or for any of my Relations, from or in the name of any person who has, or may probably have, any business or claim pending in the Sequestrator's Office ; and that I shall further conduct myself, in every respect, as an honorable and faithful Book-keeper to the Sequestrator's Department ought and is bound to do—*So help me God !* ”

Tariff, agreeably to which the Sequestrator is to regulate himself, in the charging of Fees and other Expenses, attending Estates administered and settled by him, and the Execution of Civil Sentences :—

	Per cent.
On all Public Sales of Landed, as well as moveable, Property	5
On all payments made to the Sequestrator, on account of Insolvent and other Estates	2½
On the amount of all Civil Sentences, which have been brought to Execution and settled in Cash, or otherwise, whether the settlement has been made in the Sequestrator's Office, or between the Debtor and Creditor, provided in the latter case, (<i>vide</i> the 67th Article of the Instructions,) such settlement be made subsequent to the expiration of 14 days after that the Debtor has made a voluntary Return of Property, or the Goods have been attached by the Sequestrator	2½

Besides the above, the Sequestrator may charge the following Fees, viz. :—

In Insolvent and other Estates,

THE SEQUESTRATOR, OR ASSISTANT SEQUESTRATOR,

	Rds.	sks.
For Attendance, and writing in the Day Book every Appearance prescribed in the Instructions	2	4
For Attendance at taking an Inventory, per Day	2	0
For Attendance at the Sale, per Day	2	0
For making out the Accounts of the Proceeds of an Estate	2	0
For Signing the same	0	4
For making out a Plan of Distribution of an Estate, for the inspection of Creditors and other interested Parties, and thereupon to be submitted to the Court of Justice, for approval,—per Page	0	4

	<i>Rds.</i>	<i>sk.</i>
For making out the Account of settlement of Estates not Insolvent,—		
per Page	0	4

HEAD CLERK.

For drawing up the Inventory	0	5
For attendance at taking the same,—per Day	2	0

In the Execution of Civil Sentences,

THE SEQUESTRATOR, OR ASSISTANT SEQUESTRATOR.

For Attendance, and entering in the Day Book, at the return of, or laying, an Attachment on Property	2	4
For ditto ditto, when the Debtor does not appear	2	0
For ditto ditto, at Public Sale, per Day	2	0
For making out the Account of the Settlement,—per Page	0	4
For Signing the same	0	4

HEAD CLERK.

For Registering a Sentence laid over for Execution	1	0
For Expunging the same	1	0
For making out the Inventory of Goods, returned or attached	0	5
For Attendance at taking the Inventory,—per Day	2	0

THE MESSENGER IN BOTH CASES.

For every appointment ordered by the Sequestrator, agreeably to the Instructions	1	0
For Attendance at taking the Inventory,—per Day	1	0
For ditto at the Sale,—per Day	1	0
For ditto at making out the Account Current	1	0
For ditto at making out the Account of Settlement	1	0

NOTE.—Besides these Fees, the Accounts are to be charged with the usual Stamp Duty on each, agreeably to the Stamp Act. All Attendance out of Town, is to be charged double: on such occasion, Waggon Hire, and other necessary Expenses, are also to be charged. An Account of Fees shall be made out at the expiration of every Quarter, observing the usual form, and thereupon paid out of the Bank into the Treasury.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas, the Provisions made and enacted by Proclamation of the 19th October, 1804, to compel due attention to Legal Summonses and Requisitions for appearance before any of the Courts of Law of this Colony, or before Commissioners from the same, have been found insufficient to enforce that regularity in the appearance of those summoned, so essential to the speedy administration of Justice :—And, whereas, not only the dignity of the several Courts, but also the Public interest, as well as that of every Individual, require that Justice should be administered with the least possible restraint or delay, and that the consequences of all impediments should fall on those who have been the occasion of them :

I have therefore judged proper to renew, alter, and amplify the said Proclamation, and I therefore hereby order and direct as follows :

1st. On all non-appearances, in Criminal as well as in Civil Cases, known in the manner of proceeding before the Court of Justice here, default shall be granted, with such profit as the nature of each case may require, and as has hitherto been in observance here.

2nd. From this profit in Civil Proceedings there shall be excepted the pecuniary amendment only, which in future, is fixed as follows :—

For the 1st default, 5 Rixdollars.

2nd ditto, 10 ditto.

3rd ditto, 15 ditto.

3rd. In all Civil Cases not belonging to those respecting which the defaults are prescribed by the manner of proceeding, namely : *The giving of Evidence, the Swearing to the same, the Appearance before Commissioners, whether by Appointment of the Court, or on the Special Requisition of Commissioners themselves, &c.* two defaults shall, in future, be allowed, as well by the Commissioners of Circuit, the Boards of Landdrost and Heemraden, and Commissioners of Civil Cases, as by Commissioners from

the Court of Justice ; of which the terms shall be prescribed according to the local distance, by the Judge or Commissioned Judge whom it may concern ; however, not shorter in any instance than 24 hours.

4th. In all such Cases the defaulter, besides the costs and damages incurred by his neglect, shall forfeit for the first time 5 Rds. and the second time be compelled to appear on pain of confinement.

5th. From the preceding Article, however, shall be excepted all Appointments before Commissioners on behalf of the Parties interested, whether for the purpose of accommodation or investigation, in which case when an Appointment is directed between Plaintiff and Defendant, on the non-appearance of the former, three Defaults shall be allowed, with the pecuniary penalty prescribed for each in the 2nd Article ; but on the non-appearance of the Defendant, one Default only shall be allowed, with the pecuniary penalty attached thereto by the said 2nd Article, and the Plaintiff then admitted to proceed in the ordinary way.

6th. All the above-mentioned Penalties shall be added to the Fees, to which the Judge who grants the Default is entitled, to be appropriated in such manner as the Law or Usage of each Department dictates, or as may hereafter be prescribed by Government.

7th. In Criminal Cases, where the regular manner of proceeding does not prescribe any profit for a default, namely, *the giving, swearing to, and revision of Evidence, as also an appointment for confrontation*, in case of non-appearance, the profit of the 1st default shall consist in a Decree for a second appearance, (to be prescribed according to the local distance, but never within a lesser time than 24 hours,) *on pain of confinement* ; which penalty, in case of a second non-appearance, shall be actually decreed and carried into effect, without any previous Summons by the Prosecutor, whom it may concern.

8th. The profit on any default shall never be decreed, unless the duly serving of the Summons shall have legally appeared to the Judge, and for so far as regards the penalty of confinement, that the Summons has been served on the Person himself, or at the place where the summoned actually was at the time of the serving.

9th. For the rest, with respect to granting the defaults pre-

scribed by the 3rd and following Articles, the purging of the same, and what further regards defaults, not here specially directed, the mode of proceeding before the Court of Justice shall be observed.

Finally, I hereby order and direct the Worshipful the Court of Justice, and all other Courts of Judicature in this Settlement, to observe, and to cause strictly to be observed, all the directions herein contained.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of January, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Board of Landdrost and Heemraden of Graaff-Reinet has represented to me, that having been at considerable Expence in forming a Dam in the Sunday River, and sundry Watercourses for the supply of Water to, and improvement of, the Town of Graaff-Reinet, which Works having succeeded to the full and entire expectation of the Board, it appears to be fair and just that the Inhabitants, Residents in the aforesaid Town, who receive the whole benefit of these Works, should bear the Expences incurred therein proportionally, instead of the said Expences being made a charge against the District generally, as is by the standing Regulations ordered : I hereby, therefore, authorise and direct the Board of Landdrost and Heemraden of Graaff-Reinet aforesaid, to assess the Inhabitants, Residents, or Proprietors, in the aforesaid Town, in the customary manner, in the Sum or Sums necessary to defray the

Expences aforesaid ; provided, that in their ensuing Annual Account a separate head of the Charge and Repartition be duly entered, and the necessary Vouchers thereof be transmitted to the Colonial Audit Department, as usual in like cases.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of February, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the President and Members of the Burgher Senate of this Town, have represented to me, that it has been proved to their satisfaction, that in consequence of the high prices which Barley and Oats obtain in the Market, a number of Persons have appropriated Wheat to the feeding of Horses and other Cattle : And whereas it is matter of notoriety, that the Crop of Wheat lately housed, has not turned out to be an Average Crop, but on the contrary, that it has not yielded equally with the Crops of usual Seasons, it is therefore to be inferred, that the practice reported to me to prevail, will be the means of greatly enhancing the price of Wheat, to the great injury of the poorer Classes of the Community, and to the rapid consumption of Bread Corn, already far from being in abundance in this Vicinity :—I do, in consequence thereof, and by virtue of the Power and Authority in me vested, hereby renew such part of the Proclamation of the 13th day of March, 1799, as prohibits the feeding of Horses, or other Cattle, upon Wheat, and I do hereby strictly forbid the use of Wheat, whether ground or unground, or of Pollard (*Kortgoed*), for Horses, or

other Cattle, within the limits of the Town, the Cape, Stellenbosch, and Tulbagh Districts, and the Residency of Simon's Town, under a Penalty of 1000 Rds. in each proved Case of infringement of this Regulation, which shall be in force from the promulgation hereof, until the 1st day of December next ensuing ; which aforesaid Penalty shall be sued for, recovered, and distributed as usual in all cases of Fine, whereby the Informer becomes entitled to one-third thereof.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of February, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas information has been received, that the Border Chiefs who are at variance with the principal Chief, Gaika, have entered the Province of Albany (Zuurveld) in several directions, and have committed great and unforeseen Outrages, Devastations, and Murders :

Now, in order to put a stop to these Calamities, I have thought proper to call out a considerable Commando from each of the Interior Districts, for the purpose of driving those Marauders over the known Boundaries of this His Majesty's Settlement ; and I have further thought proper to send a Military Force to support the same, under the Command of Lieut.-Colonel Willshire, of His Majesty's 38th Regiment of Foot, whom I have appointed to the Command of the whole of this united Force.

These are therefore to give Notice, that from and after the promulgation of these presents, Martial Law shall be in force

within the Drostdies of Graaff-Reinet, Uitenhage, and all such Places in which the aforesaid Force shall be employed, for all cases connected with the assembling and conducting the aforesaid Commando, and continue to be in force until the object thereof be accomplished, of which the aforesaid Officer Commanding, or Senior Officer for the time being, duly authorised by me, shall give public notice, but without prejudice to the usual course of Law in all other matters whatsoever.

And that no Person may plead ignorance hereof, I have thought proper to direct, as I do, by these presents, that besides the usual mode of making known the same, each Field-Commandant and Fieldcornet shall be furnished with a Copy hereof.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 3rd day of March, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command, {

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the scanty supply of Wheat which has been brought to the Cape Market since the late Harvest, renders it of the greatest importance for Public Security, that I should be forthwith apprized of the actual Stock of Wheat from whence the supply of the Inhabitants is to be drawn, in order that, should the Stock in hand be found insufficient, measures may be speedily adopted to prevent any Scarcity ensuing. But as I shall, with great reluctance, come to any Resolution which shall have the effect of rendering this fertile Colony dependant upon other Countries for an Agricultural Supply, thereby depriving the Landholders of that profit which it has been my anxious endeavour to procure for them, I appeal to them in the strongest

manner, to come forward, and fully to disclose the means they have of supplying the Public Want. And, in order completely to ascertain this important point, I have thought proper to call upon the President and Members of the Burgher Senate, to nominate two Commissioners, one for the Cape, and one for the Stellenbosch District, who will, without loss of time, proceed to inquire into all the matters connected with this subject ; and I hereby direct and empower the aforesaid Commissioners, and each of them, to administer to each Farmer, an Oath to the truth of the several points necessary to be known, viz. :—

What quantity of Grain, of each sort, he sowed during the last Season ?

What quantity of Grain, of each sort, he has reaped ?

Whether he has sold, or disposed of the produce ?

If sold, whether it was sent to Market, or disposed of in another manner ?

If the latter, whether disposed of to Contractors, or to the Millers ?

What quantity he requires for next year's seed ?

What quantity he requires for his own consumption ?—And

What surplus he still has ?

Those refusing to take the Oath, or to make the Return as hereby called for, to be liable to a penalty of 1000 Rds. :—And I hereby call upon the Landdrosts of the two Districts, and upon each Fieldcornet therein, to give every aid and information in their power, to the aforesaid Commissioners in the premises.

And whereas it has been represented to me, that several Millers in the vicinity of Cape Town have bought up large quantities of Wheat upon speculation, with the view of availing themselves, iniquitously, of any Scarcity which may take place, and it being also requisite to ascertain precisely the quantity of Wheat and Flour in their possession, the Landdrost of the Cape District is therefore hereby ordered, together with one Member from the Burgher Senate to visit the several Mills in the vicinity of Cape Town, and to call upon the respective Proprietors to declare to them upon Oath, the quantity of Wheat and Flour which may be in their possession, and to give them a view thereof, in order that, should it appear to them to be necessary, they may cause the same to be measured in their presence, and thereby accurately ascertain the truth of the return ; and I

hereby order and direct such Millers to conform themselves hereto, and to give to the Commissioners aforesaid, that is, to the Landdrost and Member of the Burgher Senate, the information required, under a penalty of 2000 Rds.

And in order to prevent the possibility of the improper alienation of any of the Corn so stored by the Millers as aforesaid, and for which quantity they are hereby held responsible, I do hereby forbid and prohibit all Millers, or any persons in their behalf, from disposing of any Wheat or Flour whatsoever, except at the public Market of Cape Town by public and open Sale, under a Penalty of 1000 Rds. for every Load, or in proportion for any lesser quantity, so sold, contrary to the tenor of this Proclamation.

But as it has also come to my knowledge, that Wheat has also been bought up by Speculators in Cape Town, I hereby order and direct every Person who shall have in his possession within the Cape Town a quantity of Wheat exceeding 25 Muids, to give to the President and Members of the Burgher Senate a Return thereof, specifying the exact quantity of which they may be so possessed, and where it is stored, making the defaulters herein liable to a Penalty of 500 Rds. for concealing the Wheat of which they may be possessed, or neglecting to make the Return hereby called for.

And whereas it is strongly represented to me, that Pollard continues to be used for Cattle and Horses, under the name of Bran, these are therefore strictly to prohibit the use of Bran, in the same manner, and under the like Penalties, as the use of Pollard was prohibited by my Proclamation of the 12th February last.

And I further hereby order and direct, that the Exportation of Wheat, Rye, Pulse, Flour, Biscuit, Barley, Oats, Pollard, or Bran, shall be entirely stopped until further orders, unless under such directions as the Department of the Customs shall receive from me.

And I hereby further order and direct, that all Penalties incurred under this Proclamation, shall be sued for before the Committee of Landdrost and Heemraden, if this Default or Offence be in a Country District, or before the Sitting Commissioner of the Worshipful the Court of Justice, if in the Cape Town.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 9th day of March, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the scarcity which the scanty supply of the Cape Market with Wheat had given reason to apprehend, having rendered it necessary to take the strictest precautions for economising the Grain in Store, and one of the measures adopted to that end having been to allow one sort of Bread only to be Baked, except for the use of the Sick and Infirm ; it has appeared, that the Bread so authorised to be Baked, has, in some instances, proved of a very inferior quality to what it should have been, and it has been necessary, in consequence, to institute a rigid inquiry into the cause of a circumstance so highly injurious to the Public.

And whereas, upon receiving samples from the several Bakers of the Flour from which their Bread had been Baked, it has appeared that certain portions of ground Wheat, as asserted to be returned from the Mill, had been so drained of fine Flour, as to be in a state very unfit for Baking wholesome Bread from.

And whereas it is highly necessary to put a stop to malpractices of this nature, I have therefore thought it expedient to order and direct, that in future, whenever a Baker shall receive from a Mill ground Wheat (or Meal) in a state which gives him room to suppose that a portion of fine Flour has been sifted from it, he shall forthwith give notice to the President of

the Burgher Senate thereof, in order that an immediate inspection may be made thereof ; and should it appear to the Commissioners appointed by the President of the Burgher Senate aforesaid, to inspect such Meal, in consequence of a complaint of this nature, that there are grounds for supposing that any unfair measures have been taken with regard to such ground Wheat or Meal, by sifting fine Flour therefrom, or by damping the Meal to make the weight complete, or otherwise, the President of the Burgher Senate shall forthwith summon a Jury of Bakers, or others, conversant in the Baking Trade, of not less than seven in number, and having administered to them an Oath (which he is hereby empowered and directed to do), to decide the Case according to their conscience and judgment, he will call upon them summarily to examine the Case, and to give their Verdict therein, which shall be so given according to the plurality of Votes or Opinions, as to whether the Complaint is or is not well grounded :—and if it shall therefrom appear, that the ground Wheat (or Meal) has been returned from a Mill to the Baker, having had a proportion of the Flour or Meal sifted or purloined from it, the Miller to whom such Fraud shall be so traced, shall be immediately prohibited from Grinding any further Flour for Individuals, or the Public, upon any pretence whatever, and his Mill shall be shut up.

And His Majesty's Fiscal, and the Landdrost of the Cape District, are hereby specially charged with the execution hereof, in the Cases referred to.

And that no Miller or Baker shall plead ignorance hereof, besides the usual mode of publishing the same, a Printed Copy hereof shall be furnished to every Baker in Cape Town, and to every Miller in the Town and its vicinity.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of March, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that much injury and damage have arisen from permitting private Individuals to make use of the Government Cranes upon the Wharf, at their own discretion, and from the want of some Public Regulation in the use thereof, and of some arrangement, under the authority of Government, for the furnishing of proper Tackle at the Wharf for embarking and disembarking Stores and Merchandize : And it has also appeared to me, upon examination, that it would contribute greatly to general accommodation, if the surface of the Wharf were constantly attended to by appropriate Officers, so that the danger to which Passengers and others are now frequently exposed in traversing the same, may, by timely attention, be obviated :—I have therefore judged it expedient to appoint a Wharf-Master, under the control and direction of the Custom Department, whose business it shall be, among other things, to procure, keep in readiness, and issue to such Persons as embark or disembark Stores or Merchandize at the Wharf, proper Tackle for their accommodation, and to cause them to be kept in constant and sufficient repair ; it shall be also his duty to see that the surface of the Wharf is repaired the moment it shall be requisite ; and further, to inspect and report, from time to time, upon its general state and security, until such time as it shall be found practicable to follow up the intention of throwing out a new Stone Wharf.

Now, in order to cover the Expences that this measure will render necessary, I have thought proper to sanction the collection of the undermentioned Rates of Wharfage from those Persons who shall make use of the Public Wharf, or of the Cranes, viz :

For the embarkation or disembarkation of every Horse, 5 Rds.

For all other Cattle, 1 Rixdollar each.

For Sheep and Pigs, 2 Skillings each.

For a Pipe, Case, or Package, of half a Ton, 1 Rixdollar.

For a Half-Pipe, or other Cask, 4 Skillings.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of April, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Government Advertisement.

The President and Members of the Burgher Senate having reported to His Excellency the Governor, that in consequence of the ample Supplies of Wheat and Flour which have been imported, or lately brought to this Market, it does not appear to them to be necessary, that the Restriction of the use of Bran, as directed by the Proclamation of the 9th day of March last, should be continued ; and that it does not appear to them to be necessary, that Baking and Selling those Rolls and Cakes called Bolletjes and Krakelingen, or other Sweet Cakes, should be longer forbidden, as they were by a Public Notification from the Burgher Senate, dated 20th March last : It is hereby made known, that so much of the said Proclamation of the 9th of March last, as relates to the use of Bran, shall henceforward have no effect, and the said Notification of the 20th March is hereby annulled.

Cape of Good Hope, 23rd July, 1819.

By Command of His Excellency the Governor,

(Signed) C. BIRD, Secretary.

[Copy.]

Government Advertisement.

Whereas President and Members of the Burgher Senate have represented to His Excellency the Governor, the urgent necessity of levying a Sum of 5000 Rds. in addition to the usual amount of Caffre Commando Tax, in order therefrom to defray the Expences incurred by the purchase of Horses for the remount of the armed Burghers on the Frontier, and which levy they are, by the 31st Article of their Instructions, restricted from making, unless with the sanction of His Excellency the Governor : Notice is therefore hereby given, that His Excellency the Governor has been pleased to sanction the Representation of the President and Members of the Burgher Senate aforesaid, and to authorise them to assess the Householders and Inhabitants of this Cape Town, in the aforesaid Sum of Five Thousand Rixdollars, for the especial object above stated.

Cape of Good Hope, 5th August, 1819.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Brewers of this Town have represented to me, that the System of Farming the Retail of Cape-brewed Beer is extremely prejudicial to their Interests, in as much, as it tends to throw a Monopoly of the Sale of Beer into the hands of one of the said Brewers, to the prejudice of the others ; and whereas it is my wish to give every Encouragement in my Power, (consistent with a due Consideration of the Interests of the Revenue,) to the industrious efforts of those Individuals, who have expended their Capital in the furtherance of any particular Branch of Trade : I have, therefore, for the present Year, (as a Trial,) accepted from the said Brewers, jointly, a Compensation in lieu

of putting up the Retail of Cape Beer to farm, as was advertised for the 13th of the present month, of which I hereby give public Notice.

But whereas it is necessary, that an efficient Check should be had upon the Beer-houses in Cape Town and District, and the Residency of Simon's Town ; and that no Person or Persons shall be allowed to sell Cape-brewed Beer by Retail, without a regular Licence for the same : Be it therefore hereby made known and ordered, that every Person who shall retail Cape-brewed Beer from and after the first day of September next, shall be bound to take out a Licence for that purpose, upon a Stamp of 25 Rds. which Licence shall be taken out in the usual manner from the Office of the Colonial Secretary, and be exhibited to His Majesty's Fiscal, if the said Licence is for Cape Town ; or to the Landdrost or Resident, if the Licence is for the Cape District, or the Residency of Simon's Town.

And if any one shall be detected in selling Cape-brewed Beer, by Retail, without the Licence hereby directed, such Person will incur a Penalty of treble the amount of the Licence aforesaid, (over and above the value of the said Licence,) to be sued for and recovered in the usual manner.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of August, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by a Proclamation dated the 3rd day of March last, it was notified, that I had thought proper to call out a considerable Commando from each of the Interior Districts, for

the purpose of driving the Caffre Marauders, who had invaded the Frontier Provinces, over the Boundaries of His Majesty's Settlement ; and Martial Law was at the same time proclaimed to be in force within the Drostdies of Graaff-Reinet, Uitenhage, and all such places in which the aforesaid Force should be employed : And whereas by the perseverance and energy of the combined Force under the Command of Lieut.-Colonel Willshire, the disturbances occasioned by the unprovoked aggression of the Caffre Hordes have been happily quelled, and tranquillity has once more been re-established on the Eastern Border of this Colony, so that the Commandos have been dismissed, and have returned to their respective Districts : Know therefore, all whom it may concern, that in consequence of this favourable turn of affairs, I have thought proper to order and direct, as is hereby ordered and directed, that such part of the Proclamation of the 3rd March last, as authorises the enforcement of Martial Law in the aforesaid Districts, shall be henceforth rescinded.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of November, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas His Royal Highness the Prince Regent has been most graciously pleased to grant me Leave of Absence to return to England on my Private Affairs : And whereas by Letters

Patent issued to me, under the Sign Manual, I am commanded, in case of Absence, to give up the Government and Command of this His Majesty's Castle, Town, and Settlement of the Cape of Good Hope, unto the Lieutenant-Governor, or Officer next Senior to myself in Military Command, unless the circumstance should be otherwise provided for : And whereas His Royal Highness the Commander in Chief has been pleased to notify to me, that Major-General Sir Rufane Shawe Donkin, Knight Commander of the Most Honorable Order of the Bath, is placed upon the Staff of this Garrison, and Letters of Service have been issued to the said Major-General Sir Rufane Shawe Donkin, to that effect :—

Know, therefore, all Men, by these Presents, that upon my approaching Departure from this His Majesty's Settlement, the Civil and Military Government thereof will devolve upon the said Major-General Sir R. S. Donkin, K.C.B. to hold the same during my Absence, or until otherwise directed by His Royal Highness the Prince Regent, acting for, and in behalf of, His Majesty ; and it is hereby notified to all Officers, Civil and Military, and to all Persons and Inhabitants, that from and after the date of my said Departure, which will be made known by the said Major-General Sir R. S. Donkin, they are to obey all Orders and Commands that shall from time to time be issued by him.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 3rd day of December, 1819.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

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Crown Trial ; or Mode of Proceeding in Criminal Cases, at the Cape of Good Hope.

The Chief Justice and Members of the Court, at the Cape of Good Hope, and its Dependencies, make known :

That whereas the introduction of the Commission of Circuit, established by Proclamation of the 16th of May 1811, and several benevolent Regulations made since that period, from time to time, by His Majesty's Government, in regard to the Mode of Prosecuting Crimes and Misdemeanors in this Colony, have led to irregularities in the Method of proceeding, and in some respects even to uncertainty respecting the competency and Duties of the several Courts and Prosecutors :

We, for promoting the ends of Justice, and producing uniformity and distinctness in the Premises, have, with the approbation of His Excellency Lord Charles Henry Somerset, Governor and Commander in Chief of this Colony, established the following *Mode of Proceeding in Criminal Cases*, containing the Spirit of the existing Laws, Proclamations, and Ordinances, under such modifications as may tend to combine the benevolent Principles of the present Government, with the Mode of Proceeding in the Prosecution for Crimes and Misdemeanors heretofore in use in this Colony, in as far as the nature of the Case will admit.

And, We do hereby order and direct, all and every Person and Persons concerned, to conform to this Mode of Proceeding, and to observe, and cause to be observed, the Regulations therein prescribed.

SECTION FIRST.

Of Competent Courts, and Public Prosecutors.

ART. 1. All Crimes and Misdemeanors committed in this Colony, are, in the first instance, subject to the Jurisdiction, either of the Board of Landdrost and Heemraden of the District in which the Crime or Misdemeanor has been committed, or to that of the Court of Justice, or the Commissioners thereof, attending in Cape Town, or at the several Drostries, on the Annual Commission of Circuit.

2. All Crimes and Misdemeanors committed in any of the Districts, which are not subject to a more severe punishment than that of public scourging, transportation, banishment, or confinement for a limited period, shall be brought before the Boards of the Landdrost and Heemraden of the District in which the Crime has been committed; which Boards, for passing a definitive Sentence, shall consist of not less than three Members, of whom the Landdrost shall be one.

3. All Criminal Cases, the cognizance of which is not especially entrusted to the Board of the Landdrost and Heemraden, shall be tried before the Commission of Circuit, with this exception only, that if, after a full investigation, it is evident, that the Crime committed is subject to capital punishment, the public Prosecutor shall bring such Case before the Full Court of Justice, and there prosecute the same to final judgment.

4. All Crimes and Misdemeanors committed in Cape Town and its Jurisdiction, not subject to a more severe punishment than that of public scourging, transportation, confinement, or banishment for a limited period, shall, if the nature of the case requires a public punishment, (transportation, confinement at Robben Island, or elsewhere, and banishment included,) be subject to the cognizance of the two Commissioners from the Court of Justice, attending daily for the dispatch of business.

5. All Crimes, in whatever part of the Colony committed, which are subject to a more severe punishment than scourging and transportation, banishment, or confinement for a limited period, but not subject to a capital punishment, and the cognizance whereof in the Country Districts cannot be deferred until the Circuit commences, are to be brought for investigation, by the respective public Prosecutors, before one of the Commissioners daily in attendance, as heretofore; and the investigation being closed, shall be prosecuted before the Full Court of Justice, which shall consist of at least five Members, including the Chief Justice, or the President for the time being.

6. Crimes which, according to the existing Laws, are subject to a capital punishment, shall henceforth be prosecuted before the Full Court, which shall consist of at least seven Members, including the Chief Justice or President.

In case the Chief Justice or President should either from indisposition or other legal impediment be prevented from

attending a Trial which admits of no delay, the Senior Presiding Member for the time being, shall supply his place ; but the Court shall give due information thereof to the then Governor.

7. The Regulations herein before made, are not, however, to be understood as intended to be in derogation of the authority granted to the Heemraden by *the 152nd and 153rd Articles of the Ordinance of the 24th October, 1805, for the Government of the Country Districts*, ordaining, “ That for the promoting of a prompt administration of Justice, the Heemraden are authorised at the requisition of His Majesty’s Fiscal, or the Landdrost, in case the accused Person cannot be immediately forwarded to Town, or the Annual Commission of Circuit should not be present at the Drostdy of the District in which the Crime has been committed, to attend at the taking of preparatory examinations, in all Criminal Cases belonging to the cognizance of the Full Court, as well as of that of the respective Commissioners from the same ; and of summarily interrogating the Accused ; ” subject, however, to the modifications and restrictions prescribed by the 152nd and 153rd Articles afore-mentioned. Nor shall these Regulations be interpreted as affecting the right which, according to the Laws and usages of this Colony, belongs to His Majesty’s Fiscal, of acting by prevention in all Criminal Cases, without exception.

8. The prosecution of Crimes and Misdemeanors, subject to the respective Boards of the Landdrost and Heemraden in the Country Districts, shall be carried on by the Secretary of the District in which such Crime or Misdemeanor has been committed ; but in all other cases, the prosecution for Crimes perpetrated in the Country Districts, shall, in the first instance, be carried on by the Landdrost himself, if the prosecution takes place before the Commission of Circuit ; or by the official Agent of the Landdrost, if it takes place before the Court of Justice, or the Commissioner or Commissioners therefrom.

9. All Crimes and Misdemeanors committed within the jurisdiction of the Town, the cognizance whereof belongs to the Commissioners from the Court of Justice, agreeably to the 4th Article, and in like manner all Crimes, the final decision whereof belongs to the Full Court, agreeably to the 5th Article, but of which the investigation is entrusted to a Commissioner from

the same, shall be prosecuted by His Majesty's Fiscal, or one of his Deputies.

10. All Prosecutions of Crimes committed in Cape Town, and which are to be brought before the Full Court, agreeably to the 5th and 6th Articles, shall be carried on by His Majesty's Fiscal in person, unless prevented by absence, indisposition, or other legal impediment ; in which case, he will be allowed to carry on the same by one of his Deputies.—All Prosecutions for Crimes committed in the Country Districts, carried on before the Full Court, shall be prosecuted by the official Agent of the Landdrost in whose District the Crime has been committed.

11. Should any doubt arise respecting the nature of a Crime, and the competency of any inferior Court to take cognizance of the same, such Court, or the Public Prosecutor concerned, shall submit the grounds of such to the Court of Justice, for its decision.

12. The decision shall be founded on the principle, that in Crimes, the nature of which admits of gradation in punishment, proportionate to the aggravating or extenuating circumstances of the case, the competency of the Court is to be decided by an inquiry into what the highest degree of punishment would be, to which the Law has eventually subjected the Crime in question ; and thus, where that highest degree exceeds that punishment, which the minor Courts are hereinbefore authorised to inflict, the case shall not be cognizable by it.

13. The directions contained in Article 11th shall also be observed, when Crimes, subject to the cognizance of the Commission of Circuit, are committed in the Country Districts, prior to the Landdrost being officially informed of the period of their Session at his Drostdy ; in which case, the Landdrost is to apply to the Full Court,—state the Crime committed,—and to exhibit all the evidence collected by him, in order to obtain, not only the necessary Decree for bringing the Perpetrator to Trial ; but likewise the directions of this Court, whether the Case can be allowed to lay over till the Session of the Commission takes place, or is to be tried before the Full Court.

14. The perpetration of a Crime renders the Perpetrator subject to the jurisdiction of the Court of that place where the Crime has been committed, in as far as the nature of the case entitles that Court to take cognizance thereof ; consequently,

every one accused of having perpetrated such a Crime in the Country Districts, is bound to acknowledge the competency of the Board of the Landdrost and Heemraden of the District in which he is accused of having committed the Crime ; and on objecting thereto, or neglecting to make his appearance, or concealing himself, shall be subject to all the consequences established by Law towards Criminals guilty of non-appearance, or of concealing themselves, for the purpose of evading their Trial.

15. All Officers of Justice shall be obliged and bound, on a legal Decree for apprehension being exhibited unto them, forthwith to cause the Person or Persons, against whom such Decree has been given, if they reside or are in the District to which such Officers belong, to be taken into custody, and delivered to the competent Officer, or his lawful Representative.

16. The respective Landdrosts shall, immediately on receiving information of a Crime having been committed in their Districts, report the same to His Excellency the Governor, the Chief Justice, or President of the Court, and His Majesty's Fiscal, for the time being ; and His Majesty's Fiscal is to report to the Governor, and the Chief Justice, or the President for the time being, all Crimes committed in Cape Town and its Dependencies.

17. The respective Boards invested with judicial power, are severally bound to superintend the administration of Justice in Criminal Cases, and to take care that all Crimes and Misdemeanors be inquired into without delay, and the prosecution carried on and terminated with the utmost expedition.

18. All those who, by virtue of their Office, are charged with the prosecution of Crimes and Misdemeanors in the Country Districts, are subject to the special superintendence of the Fiscal, and, if necessary, to his directions.

19. In case any informality, or informalities, in this mode of Proceeding, shall take place on the part of the Prosecutor, the Court to whose cognizance the case belongs, shall, both *ex officio*, or on a complaint being lodged by the opposite Party, require the public Prosecutor to report on the case, and then order such redress as such informality, or informalities, shall be deemed to require.

20. His Majesty's Fiscal is likewise hereby directed, in case of his discovering an informality or informalities in any Criminal

Proceedings, by which he conceives the dictates and objects of this mode of Proceeding are not duly followed, to make an official inquiry thereon, and then to submit such representations to the Court of Justice, the Court of Appeals, or (in the event of the case being so far advanced, that the Sentence be laying before His Excellency the Governor for his *Fiat*) to His Excellency the Governor for the time being, as he shall deem expedient, for obtaining redress of such informality or informalities.

21. The directions hereby given to the respective Landdrosts of the Country Districts, as public Prosecutors, shall be observed by the Government Resident of Simon's Town, when acting as public Prosecutor before the Court of Justice, or Commissioners from the same, in like manner as if his name was inserted in each Article.

SECTION SECOND.

Mode of Proceeding in the Investigation of Crimes subject to Public Punishment.

ART. 22. The respective Officers are authorised and required, in case of any Crime or Misdemeanor being committed within their Jurisdiction, which renders the securing of the Perpetrator necessary, to have such Perpetrator taken up *in flagranti delicto*, without applying or waiting for any judicial Decree for that purpose.

23. This apprehension, in *flagranti delicto*, shall, within 24 hours, be brought to the cognizance of the competent Court, by the public Prosecutor, who shall state the circumstances of the case, and specify the names of those who can give evidence thereon, in order that such Court may either approve of the apprehension, or give such other directions as upon due examination of the case shall be found expedient.

24. The Perpetrator not being detected in *flagranti delicto*, shall not be apprehended but by a Decree of the competent Court; which Court shall grant or issue such Decree, either *ex officio*, or on the representation of the public Prosecutor; provided it is certain, or there are strong grounds for believing that the Crime has been committed by the accused Person, and will subject him to corporal punishment.

25. No Person shall be summoned to *personal* appearance before the Court, to whose Jurisdiction he is subject, for the purpose of answering to any Crime laid to his charge, unless such Summons be authorised by an especial Decree of such a Court, to be granted, in case of its being doubtful, whether the alleged Crime involves corporal punishment, or in case of the Crime being subject to corporal punishment, the information against the Accused does not contain so high a degree of probability, as to render him liable to be apprehended.

26. But in case there be *periculum in mora*, or if, by the delay attending the previous application for such a Decree, the administration of Justice should be impeded, the Officer of Justice shall be warranted to arrest the suspected Delinquent, and to place him in civil custody, provided the information prescribed in the 23rd Article, in regard to apprehension in *flagranti delicto*, be punctually given to the competent Court within 24 hours.

27. His Majesty's Fiscal, his Deputies, the Landdrosts, their Deputies, and the Resident of Simon's Town, shall not require a previous Decree for taking into custody any Person or Persons beneath the rank of Burghers or Christian Inhabitants ; such Persons being liable to corporal apprehension and confinement, by order of the respective Officers, whenever suspected or accused of having perpetrated a Crime.

28. Of such apprehension, however, the public Prosecutor shall likewise be bound, within 24 hours, to inform the Court under whose Jurisdiction the same has been made, stating the nature of the delict, and the circumstances which led to the conviction, that the Person or Persons apprehended, is or are actually the Perpetrator or Perpetrators of the Crime, he or they stand accused of ; and at the same time, to pray the Court to confirm the arrest.

29. Immediately after the perpetration of a Crime shall be brought to the knowledge of the Court, or the public Prosecutor, the necessary local inspection shall take place, in presence of the Prosecutor, or his Representative, by a Committee of the Court, assisted in cases of wounding or killing, by a regular admitted medical Man, and attended by the Secretary, who shall form and subscribe an Act, containing not only the particulars of the alleged Crime, but likewise all local and

other circumstances relative thereto, that attracted the attention of the Committee, at the time the inspection took place.

30. In all prosecutions for alleged Crimes, requiring the securing of any Person, or a Summons for *personal* appearance, the competent public Prosecutor shall, in the presence of a Committee from the Court of the place where the Crime has been committed, take such preparatory informations as are requisite, to enable the Court to give the necessary Decree for apprehension, or for a Summons for *personal* appearance.

31. All Witnesses to be examined in the course of this preliminary investigation, shall, previous to their giving their evidence, make oath before the Court by whom they are to be examined, that in the whole of their deposition, they will state Truth, whole Truth, and nothing but Truth. And in giving any judicial Decree, or passing any definitive Sentence, no regard whatever shall be paid to evidence not sworn to.

32. The inspection being effected, the preliminary informations being taken, and the Decree for apprehension or for a Summons for *personal* appearance, having been granted, the President of the Court before whom the accused Person is to be tried, shall, in concurrence with the public Prosecutor, fix the Day on which the Trial is to commence.

33. No Trial shall be deferred longer than eight days subsequent to that on which the Decree has been granted ; unless any legal impediment should exist, of which due proof must always be recorded.

34. The public Prosecutor shall be bound, in every Criminal Case, to draw up an Act of Indictment from the preliminary information collected by him, which shall contain the name of the Accused, and the nature of the Crime alleged against him, described by the names and terms, provided by Law for each sort of Crime, and including a statement of all such circumstances which preceded, attended, or followed the perpetration of the Crime, as might any way tend either for or against the Accused ; always bearing in mind, that a religious adherence to Truth, in stating the facts, and a strict accuracy in the legal description of the Crime, are the chief requisites of an Act of Indictment.

35. The Accused, whether in custody or summoned to *personal* appearance, shall be furnished with a true copy of this Act

of Indictment, by the Prosecutor, three days prior to the Trial.

36. The public Prosecutor is likewise to take care, that the Act of Indictment drawn up by him, together with the preliminary information relative thereto, be transmitted to the President of the Court before whom the accused Person is to be tried, at least three days prior to the Day of Trial.

37. And in order in the administration of Justice in Criminal Proceedings, to give equal facility to all and every accused Person, the tenor of the said Act of Indictment, shall be communicated to all Persons in custody, accused of having committed any Crime, without exception ; and consequently to all Hottentots, Free-Blacks, and Slaves, to whom, in case of their not being able to read, the same shall be read and explained—in Cape Town, by one of the Sworn Clerks belonging to the Court of Justice, or, if need be, by an Interpreter ; and in the Country, by the Clerk of the District, or the Person acting as Secretary to the Board of Landdrost and Heemraden, when the Secretary to the District is acting as public Prosecutor, or, if need be, by an Interpreter : due proof whereof shall appear on the Records of the Proceedings, as otherwise the same shall be null and void.

38. The contents of the Act of Indictment having been communicated to the Accused, he shall be required to furnish the public Prosecutor with a specific list, under his signature, containing the names of those he wishes to produce as Evidences in his favour, in the investigation of the Crime he stands accused of ; and this list is to be transmitted to the Court on the Day of Trial, in order to be filed with the other Documents of the Suit.

39. On the Day of Trial, after the Court has been opened with the usual ceremonies, and the Accused, whether a Prisoner, or Person summoned to personal appearance, the Prosecutor is to exhibit the Act of Indictment subscribed by him, together with all the preparatory informations collected by him, and a specific list of all the Witnesses, in favour of, and against, the Accused, to the best of his knowledge ; together with the Interrogatories on which he considers the Prisoner, or Defendant, should be examined.

40. The President of the Court is to cause the Act of Indictment to be read by the Secretary, to the accused Person, in a

loud voice ; and to inform him, that, in consequence of the Act of Indictment, the Secretary will put to him the queries exhibited to the Court, by the public Prosecutor, in his public capacity, and such others as the Court shall think requisite. The queries exhibited by the public Prosecutor are not, however, to be put to the accused Person, till approved of by the Court.

41. After the names of the Witnesses shall have been given in, neither the public Prosecutor, or the Accused, shall be allowed to delay the investigation ; either by giving in the names of further Witnesses, or otherwise, unless permitted by the Court, for reasons of importance, which are to be duly recorded.

42. In case, however, the accused Person has to propose any exception, which would tend to impede the progress of the Trial, such as the exceptions of *incompetence*, *litis pendentis*, or *litis finitæ*, he shall be entitled so to do, immediately after the Act of Indictment has been read to him, and before the investigation commences ; to which exception the public Prosecutor is to make an immediate reply : whereupon the proceedings on this exception shall be considered as closed, and sentence thereon pronounced, forthwith, according to the merits of the case. Cases, however, the investigation whereof has been directed by this Ordinance, to be made by one Commissioner from the Court of Justice, and the final judgment whereof has been reserved for the Full Court, shall be brought before the Full Court, as soon as possible, after the public Prosecutor has made his reply to the exception, and there be decided according to the circumstances of the case.

43. The exception being rejected by the Court, the investigation of the case shall be continued, as if the accused Person had not proposed it. The Accused, however, if he considers himself aggrieved by the Sentence on the exception, is entitled to an appeal from the Commissioners to the Full Court (*reauditie*), or from the Full Court to the Court of Appeals, as the nature of the case shall require. In case of an appeal, however, the Court below, after having declared the examinations closed, shall not be allowed to proceed further, until a final decision be given on the exception ; by which it shall appear, that the further cognizance of the case belongs to such Court, and is to go on without interruption.

44. If the Accused does not propose any exception, the Interrogation shall take place immediately ; and the Accused shall be questioned on every circumstance relating to the accusation, and resulting from the preparatory examinations ; but shall not be interrogated a second time, unless he should himself make an application to that effect, or unless new matter should arise, in the course of the investigation, of which no knowledge existed at the time of the first Interrogation, and even then, not until an express Decree of the Court be given to that effect, after due inquiry shall have been previously made.

45. The accused Person having answered the Queries put to him, the same shall be read to him clearly and distinctly, word for word, and he shall be at liberty to abide by the Answers thereto given, or to propose such alterations therein as he may deem necessary for his Defence. No erasure, addition, or alteration, however, shall be made of, to, or in these Answers ; but the retraction, addition, or alteration proposed, shall be accurately recorded at the foot of the former Answers.

46. In case the Accused should obstinately refuse to answer the whole or part of the Queries put to him, such refusal shall be considered as a contempt of Court, and subject the Accused to Imprisonment during the whole course of the Trial, although the Decree given in the first instance, should be limited merely to a Summons for *personal* appearance, or that reasons should arise for a provisional liberation. Independent of this penal consequence, such obstinate refusal shall not impede the continuance of the investigation of the case, but on the contrary, be considered as a denial ; and the Court shall proceed against the Accused as if an actual denial had taken place.

47. In case the Accused confesses the Crime in the course of this examination, that is to say, if he acknowledges both the fact and the culpability of the Crime, and this confession is supported by the evident existence of the Crime, or the *corpus delicti*, and the evidence contained in the preparatory examinations, the Court shall immediately cause the preparatory examinations to be read, and the Witnesses (if there be any in the case) to be re-examined ; which being done, the Court shall close the investigation, and direct the public Prosecutor forthwith to make his claim and conclusion.

48. The Accused shall be at liberty to make his defence

against this claim and conclusion, either verbally or in writing ; and after having made this defence, or after having declared that he has nothing further to say in his defence, the Court shall proceed to deliberate on the case, and pass such Judgment as the Law shall require, according to the circumstances of the case.

49. If the Accused denies having perpetrated the Crime, or part thereof, or if he acknowledges the perpetration of the fact, but denies its criminality, the re-examination of the Witnesses, whose evidence is contained in the preparatory examinations, and the examination of those whose evidence has been called in by the public Prosecutor and the Accused, shall be proceeded to, immediately after the Accused has been interrogated.

50. The Witnesses against the Accused (including those who gave their depositions at the taking of the preparatory examinations) shall appear before the Court separately, and after having been sworn by the President or Presiding Member, to depose the Truth, the whole Truth, and nothing but the Truth, shall be examined by the Court on every circumstance relative to the case in question, in the presence of the Accused ; whereupon the public Prosecutor shall be at liberty to suggest such Questions to the Court as he shall consider necessary ; after which, the Accused shall have the right to put such cross Questions to the Witnesses as he shall deem necessary for his defence.

51. After all the Witnesses against the Accused shall have been examined, all those in his favour shall be brought before the Court separately ; and after having been sworn, as before mentioned, shall be examined by the Court on all circumstances relative to the case in question ; whereupon the Accused shall be at liberty to suggest such Questions to the Court as he shall deem requisite for his defence ; after which, the public Prosecutor shall be at liberty to cross-examine these Witnesses.

52. At any time previous to the close of the Trial, the Court is entitled to put such Questions to the Witnesses as may tend to discover or disclose the Truth, provided the Parties be present.

53. After the Witnesses on both sides have been examined in the manner before mentioned, and no further investigation is required, the Court shall declare the examinations closed ;

and in case it is found, by this investigation, that the Accused is innocent, or that the suspicion which arose from the preparatory information is entirely removed, the declaration of "the investigation being closed," shall be made, accompanied by a Decree of Liberation from Imprisonment, or of Acquittal from personal Appearance, and from all further prosecution for the Crime set forth in the Act of Indictment.

54. In cases where the inquiry is to be made by one Member of the Court, according to the 5th Article, and the investigation to take place before the Full Court of Justice, the prescriptions contained in the 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 49th, 50th, 51st, 52nd, and 53rd Articles, in regard to the Mode of Proceeding, are to be observed by or before such Commissioner of the Court, until the investigation shall have been closed, and then the case shall immediately go to the Full Court; and all Decrees for liberation from imprisonment, acquittal from further prosecution, and all other Decrees found necessary, after the closing of the investigation, shall be reserved for the Full Court; and all proceedings subsequent to the closing of such investigation, shall take place before the Full Court of Justice, which shall be at liberty to have the examination resumed if it is deemed necessary.

55. If the Accused has not confessed the Crime, and the investigation has not produced sufficient proof for condemning him, and if it be not probable that further proof can be obtained within a short time, the Court shall immediately give a Decree for provisional liberation, on the accused Person giving Security for his personal appearance whenever required, or such other provisional Decree, as the nature of the case may require.

56. These provisional Decrees shall remain in force no longer than a twelve-month, at the expiration of which period the public Prosecutor shall report to the Court, on its first subsequent Meeting, what endeavours he has used during the said time, to make further discoveries; and in case no sufficient proof shall have then been produced against the Accused, the Court, by final Sentence, shall acquit him of all further prosecution for the Crime, stated in the Act of Indictment.

57. But in case the Court conceives the evidence brought forward, sufficient to convict the accused Person of having committed the Crime, the investigation shall be closed, and the

public Prosecutor ordered forthwith, to make his claim to such effect as the nature of the case requires, and the Laws of this Colony direct.

58. This claim having been made in public, the Accused shall be entitled likewise in public, to state his defence to the Court ; which being done, the proceedings shall be considered as completed, and Judgment passed without delay ; unless the public Prosecutor should, for particular reasons, apply for permission to make a rejoinder, and the Court should accede thereto ; in which case the accused Person shall be entitled to make a surrejoinder ; but after this no further delay shall be allowed.

59. The Court, however, shall be bound, at any time, from the commencement of the proceedings, up to the execution of the Sentence, to receive any evidence that may be found tending to exculpate the Accused ; provided it appears that the application for the reception of such evidence be not made with a view to impede or protract the course of Justice.

60. The investigation of the case in which the Accused shall have wholly or partly denied the Crime laid to his charge, having been closed, and the public Prosecutor having made his claim, and the Accused his defence, the Court shall immediately deliberate on the Case, and pass such Judgment as the Law shall require, according to the circumstances of the Case.

61. Such Sentence shall be subscribed by the Court, and then read to the public Prosecutor and the Accused ; and on the day of execution, the Sentence shall be promulgated in the presence of the Accused, together with a detail of the Crime, and all circumstances relative thereto.

62. No Criminal Sentence for punishment in public (transportation, banishment, confinement at Robben Island or elsewhere included) shall be put in execution without being approved of by the Governor for the time being, and sanctioned with his *Fiat*, or mitigated as he may deem proper ; for which purpose, all Criminal Sentences on inappealable Cases, shall be transmitted to the Governor for the time being, forthwith ; or, if the Case be appealable, as soon as the time for appealing has elapsed, in case no Appeal be lodged. And such Sentences, if passed in the Country Districts, shall be accompanied by a true copy of the proceedings on which they have been founded.

63. The execution of all Criminal Sentences passed by the Commission of Circuit and the Boards of Landdrost and Heemraden, and of those passed before the Full Court of Justice, on an investigation before the Commission of Circuit, shall take place at the usual place of execution of the District in which the Crime has been committed ; but the execution of those passed by the Landdrost and Heemraden of the *Cape District*, and by the Court of Justice or Commissioners therefrom, shall be executed at Cape Town. The Court of Justice, however, in cases of necessity, have the power, with the approbation of the Governor for the time being, to direct the execution to be effected at any other place.

64. After the Governor for the time being has put his *Fiat* to a Criminal Sentence, the Court shall fix the time of execution, taking care, particularly when it involves capital punishment, that the execution be not protracted beyond the time required for the necessary preparations ; and in case any impediment should intervene, the Governor is to be acquainted therewith immediately. In cases of capital punishment, the Court, or Commissioners therefrom, shall communicate the time of the execution to the Delinquent, in the presence of the public Prosecutor, at least 24 hours before it is to take place.

65. The Accused shall not be allowed an Advocate in Court during the course of the proceedings hereinbefore prescribed, until he has answered all the questions to be put to him after the Act of Indictment has been read to him ; but having done so, he shall be allowed to employ an Advocate to assist him in putting questions to the Witnesses, both in favour of and against him, agreeably to the 50th and 51st Articles ; and he shall further be allowed to entrust an Advocate with his defence on all points of Law that may incidentally turn up, and with all pleading in defence of the main cause, provided both one and the other be done in the presence of the Accused.

66. None but an Advocate regularly admitted can be chosen by the Accused for his defence ; and such Advocate, having once undertaken the case, shall not be released from the obligation of assisting the Accused during the whole course of the proceedings, unless at the instance of the Accused, or with the approbation of the Court.

67. As long as a Criminal Prisoner continues under examina-

tion, no access to him shall be allowed, without the consent of the Court, which on granting such consent, will be at liberty to impose such restrictions as may be deemed requisite. But after the Prisoner shall have gone through his examination, his Friends, Relations, and Counsellors, shall have free access to him, subject to the regulations of the Magistrate to whom the superintendence of the Prison, and the safe custody of the Prisoner is entrusted.

68. When a Person, summoned to personal appearance, has appeared and answered the interrogatories put to him, the Court shall declare, whether he is to be detained or left at large : in the latter case, the Court will have the option, either to allow the Accused to remain at large, on giving pecuniary security, or upon mainprise, or solemn promise to re-appear on the requisition of the Court or public Prosecutor, at any time within the period of twelve months, as fixed in the 56th Article, on pain of being considered as guilty, and as such, taken into custody by the public Prosecutor, or those Officers acting under his orders. In case he be released under pecuniary security, the obligation of re-appearing continues, but only on pain in case of non-appearance, of forfeiting the sum specified in the recognizance ; for which reason the Court is to fix such sum according to the nature of the Crime—the circumstances of the Individual—and the punishment attendant on the Crime.

69. If the Delinquent against whom a Decree of Arrest has been given, has absconded or concealed himself, he shall be summoned by an Edict, proclaimed after due warning, by the ringing of the Court bell, to appear before the Court on a certain fixed day, in order to answer to such Crime or Crimes as, from the preparatory examinations, may have been laid to his charge, and which Summons by Edict is to contain a statement of the nature of the Crime, drawn up with all the strictness and nicety observed in the construction of an Act of Indictment. In case of a non-appearance, this Summons by Edict shall be twice repeated ; and in case the Delinquent does not appear on the third Summons, the public Prosecutor shall be admitted to bring all the evidence, as well in favour of, as against, the Defendant, *in forma probanti*, and to make claim and conclusion against the Defaulter. On this admission, a fourth Summons

ex superabundanti, specifying the day on which the public Prosecutor is to give in his claim, shall be published in the manner above mentioned.

70. In the case of any Person summoned to personal appearance in Court, shall not make his appearance on the Day prescribed, a Decree for *prise de corps*, (seizure of his Person,) shall be issued ; and in case he has absconded or concealed himself, the same Mode of Proceeding shall be observed as is prescribed in the former Article, in regard to absconding or concealed Delinquents, under a Decree of arrest.

71. If no sufficient proof be produced to consider the Defaulter guilty of the Crime or Crimes, on which a Decree for arrest or for personal appearance in Court has been given, and if the suspicions on which the Decree has been grounded, are not removed or lessened ; the public Prosecutor, independent of his right to prosecute for the Crime itself, shall prosecute the Accused and Defaulter for contumacy, and make such Claim against him, for banishment or such inferior punishment, as the nature of the case shall require.

72. Any Defaulter, under a Decree of arrest or for personal appearance, making his appearance in Court, or being taken up, prior to the judgment for contumacy being passed against him, shall be proceeded against, as if he had not been a Defaulter ; but if he makes his appearance in Court, or is taken up, subsequent thereto, he shall be allowed to make his defence, both in regard to his non-appearance in Court, and in regard to the Crime or Crimes laid to his charge, in the Summons by Edict ; but all evidence collected during his absence, and produced in Court by the public Prosecutor, shall be considered as good, valid, and legal, as if the same had been collected in the presence of the Accused, and the Court is to look upon the same as such ; unless its validity should be taken or done away by sufficient counter proof.

73. And the Accused Person having made his defence, and the public Prosecutor having made his rejoinder, and produced further proof, in the manner prescribed by this Ordinance ; the Court shall, notwithstanding the existence of the Sentence in contumacy, proceed to pass such Sentence on the circumstances, submitted to its decision, and evidently proved as it would have passed, in case the Accused and Defaulter had been brought

to Trial in a regular manner, from the very commencement of the proceedings.

74. In case any Witness, duly summoned by the Messenger of the Court, should fail in making his personal appearance before the Court, or in case of his being unwilling to give evidence, the prescriptions which are hereafter set forth from the 116th to the 119th Article, both inclusive, shall be followed in regard to him.

75. All Witnesses in Criminal Cases who make their appearance in Court, and comply with the requisition thereof, shall be entitled to a compensation for all expense necessarily incurred by them, on that account ; and the account thereof being duly examined and moderated by the Court, shall be discharged by the Party at whose requisition the Witness has been brought forward, or in case of inability, by the Colonial or District Treasury, as the case may be.

76. After a Decree for personal apprehension, or for personal appearance in Court, shall have been given, all proceedings shall take place in open Court.

77. No investigation shall be closed until it has become evident to the Court, that all documents relative to the Case in question, the preparatory informations included, have been read to the accused Person in open Court, at such period of the investigation as may be deemed most likely to afford equal and impartial Justice. And the Court is to pay no attention to documents that have not been so read in Court.

78. All Criminal Proceedings are to be carried on without interruption. The public Prosecutor is to take care, that all Witnesses in support of the charge and for the defence of the Accused, are summoned for the day fixed for the Trial. The Court having once been opened, or the Trial having commenced, the Court shall be bound to continue the same, or to cause it to be continued, until Sentence shall have been passed ; and if the Case cannot be brought to a final conclusion in one Session, the Court shall resume the Session on the next day (Sundays, Holidays, and common Court Days excepted), and so continue every day until the Trial is brought to a final conclusion.

79. In case the regular course of proceeding, prescribed in the preceding Article, should be impeded by the absence of the Witnesses, or the intervention of extraordinary or unforeseen

circumstances, the same shall be put upon record, for the discharge of the Court, or the public Prosecutor concerned.

80. In addition to all these Regulations, the Court is directed to examine into, and to decide on, all Criminal Cases (the nature of which does not positively forbid the measure), without sending the documents round to the individual Members, and even, if practicable, immediately on closing the investigation.

81. All Courts and public Prosecutors, independent of their obligation to inquire into and decide on all Criminal Cases, without interruption and with due expedition, are likewise severally directed to take care that all Criminal Cases are brought to a final conclusion, in Cape Town, before the commencement of the Long Vacation, and in the Country Districts, before the Commission of Circuit leaves the respective Drostries, so that at such a period a Gaol Delivery shall take place.

82. On any lawful reasons preventing the final termination of any case or cases, at the fixed period, the respective public Prosecutors shall communicate those reasons, in Cape Town, to the Court of Justice, and in the Country Districts, to the Commission of Circuit ; in order that they may be duly inserted in the Records of the Court, or that such steps may be taken as the circumstances of the case may require.

83. A strict record is to be made of the whole of the proceedings, specifying the day on which the Trial has commenced, and that of those on which the same has been continued—the Court before which it has taken place—the Officer by whom the prosecution is carried on—and the name of the Person accused ; and further, the whole of the proceedings, commencing with the Act of Indictment, and ending with the Sentence passed on due investigation.

84. In addition to the exactness and perspicuity to be observed in this record, strict attention must be paid to the order of time at which the several proceedings have been carried on, so that every judicial Act may appear in that order in which it took place.

85. The case not being terminated in one Meeting, the record is to be closed at the end of each Meeting, and signed by the Court ; and the original of this record, so signed, shall be deposited in the Office of the Secretary of that Court, where

also the whole of the records are to be deposited after final Sentence.

86. In case the Accused is in a state of Insolvency, or if he be so circumstanced that his Imprisonment puts a stop to his means of subsistence, the Court, where practicable, shall appoint the necessary Practitioners to assist him *pro Deo* ; but in this latter case, the Accused shall be bound to defray and reimburse the expenses of Witnesses, and other advances required for the promotion of his defence ; which expenses, together with those incurred for his subsistence during the time of his confinement, shall not be carried against the Government or the District Treasury, until he has proved his Insolvency to the satisfaction of the Court.

87. The accused Person shall not be bound to use Stamps, in cases subject to a more severe punishment than that of a pecuniary fine.

88. The public Prosecutor shall not be allowed, in any case whatsoever, subject to a fine or confiscation, and much less in any instances where the Crime or Misdemeanor committed is of a more serious nature, to come to an arrangement, or to enter into any composition, or in any other way, to screen the Offender from the usual course of a regular prosecution.

89. However, if any Person, accused of a Misdemeanor subject to a pecuniary fine, be inclined to prevent a Criminal prosecution, by paying the Fine stipulated by Law on the Misdemeanor committed by him, the public Prosecutor shall be at liberty to accept of the payment of such a Fine ; provided he makes a written communication of the circumstance to the Court, at its first subsequent Meeting, in order to its being put upon record.

90. If for the sake of avoiding a tedious Lawsuit, and the expense and trouble attendant thereon, any accused Person should submit his Case to the decision of the Court *de plano* ; such submission shall not, however, prevent an investigation taking place, or impede the free course of the administration of Justice, provided the Court shall find reason so to direct.

SECTION THIRD.

Mode of Proceeding in the Prosecution of Misdemeanors, not subject to Public Punishment.

ARTICLE 91. Under this Section are comprised :—" All Misdemeanors which are not subject to a more severe punishment than correction in the public Prison, temporary imprisonment, fines, and confiscation in those cases where the Law has positively prescribed the same, and all transgressions of penal Laws, relative to the public revenue and police ;"—and

92. " All complaints of Masters of Ships against their Seamen,—of Tradesmen against their Apprentices,—of Masters against their Servants, whether Freemen or Slaves, and *vice versa*,—and further, all complaints of Parents against their Children ; and in general all complaints lodged with the Magistrates, not capable of amicable arrangement, or in which the Magistrate shall not be able to effect an amicable arrangement between the Parties, and in which cases the public interest requires, that the Parties complained of should receive a correction proportionate to the Misdemeanor."

93. All the beforementioned Misdemeanors and Complaints are subject, in Cape Town, to the cognizance and decision of one of the two Commissioners from the Court of Justice attending for the dispatch of daily business, in rotation ; and in the Country Districts, to that of the Landdrost and two Commissioned Heemraden to be appointed by the said Board of Landdrost and Heemraden, on the commencement of each year, and approved of by the Governor.

94. The said Commissioner from the Court of Justice is likewise to take cognizance of all Misdemeanors committed in Simon's Town and the vicinity thereof, and of all complaints which the Resident cannot settle in an amicable manner, until further provisions shall have been made in this respect.

95. His Majesty's Fiscal and the respective Landdrosts are authorised and directed to summon before them all Persons whom there is a probable ground to suspect of future misbehaviour, tending to the breach of the peace, and to make them give their personal bond with such further security as may be required by the Magistrate, that they will keep the

peace, or abstain from committing the transgression of which they are suspected, on pain of forfeiting to Government the sum stipulated in this bond, according to the nature and consequence of the Case. The amount and nature of such security being, however, in case of dispute, subject to the decision of the Court, who are competent to act in cases comprised under this Section.

96. In case the Persons suspected cannot convince the Magistrate that the suspicions against them are ungrounded, or if they refuse or are unable to give the security or bail required by the Magistrate, they shall be immediately taken into custody, and there remain until proper security be given, or until the competent Court shall have decided that further detention is unnecessary.

97. In case any Person who shall have been summoned by the Magistrate to appear, under suspicion of having an intention to misbehave, or disturb the public peace, shall not appear to such Summons, and there shall be *periculum in mora*, he shall be subject to immediate apprehension, under the Prescriptions contained in the 26th, 27th, and 28th Articles of this Ordinance ; but in case there is no *periculum in mora*, the Prescription contained in the 24th Article, in regard to Persons accused of having committed a Crime, is to be followed, with this modification, however, that in such a Case the Decree shall contain an Order to the Magistrate, to cause the Person suspected, to give security that he will not in future misbehave or disturb the public peace ; and in case of refusal or inability, he shall place him in custody until he shall give such security, or be released by Decree of the Court.

98. If the suspicion of the Magistrate is founded on complaints of private Individuals, the Person so complaining, and requiring security for his safety, shall be bound to make oath, that he has no intention of injuring the Accused, but that his Life or Person is really in danger ; and to state all such circumstances as may tend to convince the Magistrate that such danger really exists. This oath is to be taken, and the statement to be made, if in Cape Town, in presence of the Sitting Commissioner from the Court of Justice ; and, if in the Country, before the Commissioners from the Board of Landdrost and Heemraden.

99. The official Records kept by the public Prosecutor, shall be considered as legal proof of his proceedings, under the four preceding Articles.

100. The two monthly Commissioners from the Court of Justice shall be at liberty, in dividing their occupations, to arrange between themselves which of them is to attend for the investigation of the Misdemeanors and Complaints comprised under this Section, during the month; but this arrangement once made, is not to be altered, unless by reason of indisposition or other lawful cause, which shall be allowed by the Chief Justice, or President for the time being.

101. The Commissioner in attendance, agreeably to this arrangement, is to attend at the Court Room every day (Sundays, Holidays, and Court Days excepted), from ten o'clock in the morning till two o'clock in the afternoon, for the purpose of investigating and deciding on all such Misdemeanors and Complaints comprised under this Section, as shall be brought before him by His Majesty's Fiscal, or the Resident of Simon's Town.

102. The Landdrosts and the Commissioners from the Board of the Landdrost and Heemraden in the Country Districts, shall, in like manner, be in readiness every day (Sundays, Holidays, and Court Days excepted), to take cognizance of such Misdemeanors and Complaints, at the requisition of the public Prosecutor, as soon as the distance of their habitations will admit of; and in the absence of the Landdrost, or his being otherwise occupied or lawfully impeded, the Acting Landdrost shall preside, and he being absent also, the Senior Member is to act as President; and if the Landdrost, Acting Landdrost, and one or both of the Heemraden shall be absent, the Heemraad or Heemraden residing nearest to the Drostdy, shall fill the place of him or them so absent, till his or their return.

103. The prosecution for all Misdemeanors committed in Cape Town shall be carried on by His Majesty's Fiscal, or his Deputies; and the prosecution for all those perpetrated in Simon's Town, and the Jurisdiction thereof, by the Government Resident of Simon's Town, or his official Agent; and those committed in the Country Districts, by the District Secretaries, whose duties are in the mean time to be performed by the District Clerk, or one of the Clerks from the Office of the

Landdrost or Secretary of the District, to be appointed for such purposes, with the approbation of the Governor for the time being.

104. When the Magistrate shall be acquainted, by direct complaint or otherwise, with the occurrence of any of the Misdemeanors specified in the 91st and 92nd Articles of this Section, he is to inform the Accused thereof, and to make out an accurate list of the names of all Persons who can give evidence on either side respecting the Misdemeanor committed, or complaint lodged.

105. If the case be of such a nature as to admit of an amicable arrangement between Accuser and Accused, without prejudice to the rights of Government, the public Prosecutor with whom the Complaint has been lodged, shall use his best endeavours to effect such arrangement prior to the case being brought to the cognizance of the Court ; and in case such endeavours shall prove unsuccessful, a record thereof is to be made in the proceedings.

106. In all such cases, the Court also is bound to use their best endeavours to effect a reconciliation.

107. All cases which, from their nature, admit of no delay, and which cannot be amicably arranged by the public Prosecutor, shall immediately be brought before the competent Court, and the Parties and Witnesses, on receiving a written requisition to appear, shall be bound to immediate appearance, in the same manner as if they had been summoned at the usual period and in the usual manner.

108. In all cases not requiring such extraordinary expedition, the competent Prosecutor shall, at least 24 hours before the meeting of the Court, send a requisition by the Messenger of the Court, to the Person accused or complained of, calling upon him to appear before the competent Court, to answer to the charge brought against him, the nature of which shall be specified in such requisition ; and in case of complaint, to the Complainant, calling upon him to appear and bring forward his charges—and also to the Witnesses, as well those which shall have been previously specified, and those who may be named to the Messenger by the Complainant or Person complained of, at the time of serving the requisition ; calling upon them to give their evidence in the case, which is to be specified to them at the time of serving the requisition.

109. The public Prosecutor is to commence the proceedings, by making a full statement of the facts, in presence of the Person complained of, and specifying the Law which he is supposed to have transgressed ; whereupon the Accused shall be asked, whether he pleads Guilty or Not Guilty. In case he pleads Guilty, the public Prosecutor shall immediately make his claim, to which the Accused shall be at liberty to make his defence, and thereupon the Court shall pronounce its decision. But in case the Accused pleads Not Guilty, or refuses to answer, the public Prosecutor shall give in the names of the Witnesses he intends to produce in support of the charge.—If the case be founded on a complaint, the Person who has lodged the same shall, in the first place, relate all the circumstances relative thereto, and specify the names of all the Witnesses who can give evidence therein, in addition to those already named by the public Prosecutor ; whereupon the Witnesses named by the public Prosecutor and the Complainant, shall give their depositions separately, and be cross-examined by the Accused, if he shall think fit so to do ; after which, the Accused shall make his defence, and specify the names of the Witnesses in his favour, who shall likewise give their depositions separately, and be subject to cross-examination by the public Prosecutor and the Complainant. On the production of Witnesses not called on by the requisition above mentioned, the mode prescribed in the 41st Article is to be observed.

110. The Court and the public Prosecutor are at liberty to put such questions, both to the Complainant and Witnesses, as they may think fit. But they are not at liberty to put any other questions to the Accused than that of guilty, or not guilty ; save such as may tend to illustrate his defence ; but to these as well as to the preceding questions, he shall be allowed, saving the respect due to the Court and public Prosecutor, to decline answering.

111. After the Witnesses have been informed in what case and in regard to what Persons their evidence is required, and previous to their being admitted to give their depositions, they shall make oath in Court, in the presence of the public Prosecutor, or Person complained of, that in their depositions they will depose truth, the whole truth, and nothing but the truth.

112. The investigation being completed, the public Prosecutor

is to make such declaration or claim against the Person complained of, (or Complainant, if there be one,) as he shall deem proper, and the Person complained of, or the Complainant, having made his defence to this declaration or claim, the Court shall pronounce its decision.

113. In Cases of complaint, the Complainant shall be considered as a private Prosecutor, subject to all the consequences of the prosecution.

114. In case the Complainant shall not appear in Court on the day and hour appointed, the Case shall be struck off the roll, and the Complainant condemned in the costs, which must be discharged, before he can be again admitted to bring forward his complaint; and in case of a second default, he shall lose all right of action, and be condemned in all the costs. This, however, shall not affect the right of the public Prosecutor to bring an Action on the part of the Crown, if he should think proper.

115. In case the Person complained of does not appear in Court, he shall be declared in default, and fined five Rixdollars, and a second requisition served, calling upon him to appear within a period of not less than 24 hours, after the service of such requisition; and in case he shall not then appear, a second default shall be granted, and he shall be fined ten Rixdollars; and the Court shall, notwithstanding his absence, proceed to the examination of the Complainant, (if there be one,) and the Witnesses. And in case the Person complained of shall not appear in Court to the third requisition, the public Prosecutor shall proceed to make his declaration or claim, and the Court shall pronounce judgment thereon.

116. On any Witness not making his appearance in Court, default shall be granted against him, and the public Prosecutor authorised to issue a second requisition, calling upon him to appear and give evidence, at his own expense, within a period of not less than twenty-four hours after the service of such requisition, on pain of imprisonment; but saving his right to purge his first default. If he does not appear to such second requisition, a Decree for imprisonment shall be granted, which shall be enforced after the Witness has been once summoned, to comply therewith.

117. In case any Witness shall refuse to give his evidence, a

Decree for imprisonment shall be issued by the competent Court, and enforced by the public Prosecutor : and in case he shall continue to refuse after thirty days imprisonment, he shall be fined one hundred Rixdollars in favour of the Reformed Church of the District, or that of Cape Town ; and in case of inability to pay such fine, he shall be imprisoned for the further space of thirty days, and remain subject to any civil claim for damages which the party concerned may consider himself entitled to, on account of his refusal.

118. In either of the above Cases the investigation shall be continued in the absence of such Witnesses ; and if the evidence is sufficient, the Court shall proceed to pronounce judgment.

119. If the investigation of any Case cannot be continued, on account of a lawful absence of the Parties or Witnesses, the Court shall have the right to grant such further term for completing the investigation, as may seem reasonable.

120. The investigation of a case having been commenced before a Commissioner or Commissioners from the Court of Justice in Cape Town, or before the Landdrosts and Commissioners of the Board of Landdrost and Heemraden in the Country Districts, shall be brought to a conclusion before them, although the term for which they were appointed may have elapsed.

121. The Mode of Proceeding in Criminal Cases, prescribed in the 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, and 90th Articles, in regard to the continuation of the Proceedings—the recording of Criminal Proceedings—the use of Stamps—and on entering into composition, shall also be observed in the Proceedings under this Section ; with this modification, however, that in this instance brevity be particularly attended to, and all superfluity in the recording carefully avoided.

122. In all cases of seizures made in consequence of transgressions of the Law, in regard to His Majesty's Customs, the Secretary of the Court before which the case has been tried, shall forthwith transmit to the Sequestrator, or his Representative, a copy of the Sentence, in order that the Goods thereby confiscated may be publicly sold, after having been twice advertised in the Gazette.

123. All Sales of confiscated Goods shall be held by the

Sequestrator, and if the seizure or confiscation has taken place in consequence of a breach of the British Navigation Laws, the Laws of His Majesty's Customs, or the Privileges of the Hon. East India Company, the Goods shall be placed under the charge and administration of the Collector or Comptroller of the Customs, and the Sale held at the Custom-House, unless absolute necessity should require their being sold elsewhere.

124. When the purchase money becomes payable, the proceeds of the Sale, after deducting the expenses, shall be placed in the Lombard Bank, for the benefit of those who, at the termination of the case, shall be legally entitled thereto.

125. No Practitioners shall be permitted to act in the Proceedings prescribed in this Section; but the Accused is to defend his own cause in person, unless prevented by indisposition, old age, or other legal impediments; in which case the Court, on a special application from the Accused to that effect, accompanied by due proof of the existing impediment, shall be at liberty to allow him to employ an Attorney. But in order to prevent the benevolent objects of this short Mode of Proceeding being eluded, such Attorney shall be subject to the approval of the Court.

SECTION FOURTH.

Of Reaudition and Appeal.

ART. 126. All Cases in which a definitive Sentence has been passed by a Commissioner or Commissioners from the Court of Justice, may be brought to a re-hearing before the Full Court in Cape Town; or where a definitive Sentence has been passed by the Landdrost and Commissioners from the Board of Landdrost and Heemraden, may be brought before the Full Board of the Landdrost and Heemraden of the respective Country Districts. Save and except in cases where Sentence has been passed by default, from which no re-hearing is allowed, and also save as mentioned in the two succeeding Articles.

127. No re-hearing before the Full Court shall be allowed on Sentences passed by two Commissioners from the same

(a) In case such sentence has been given on a complete confession, or

- (b) In case the Sentence does not impose a heavier penalty than one hundred Rixdollars, and the public Prosecutor has not made claim to a larger sum.

128. No re-hearing before the Full Board of Landdrost and Heemraden, or before the Full Court of Justice, shall be allowed on Sentences passed by the Landdrost and a Commissioner, or by Commissioners from the Board of the Landdrost and Heemraden, or by a Commissioner of the Court of Justice, when the Sentence does not impose a heavier fine than five-and-twenty Rixdollars, and the public Prosecutor has not made claim to a larger sum.

129. All other cases may be brought to a re-hearing before the Court, whose Commissioner or Commissioners have passed the Sentences, under the following prescriptions and restrictions:

130. Notice of such re-hearing is to be lodged with the Secretary of the Court, within 48 hours after the Sentence has been pronounced, and a sum of five-and-twenty Rixdollars to be at the same time deposited ; which sum becomes forfeited, in case the Sentence be confirmed by the Full Court, or the re-hearing be not duly proceeded in ; and the re-hearing shall take place on the first Court-day which shall happen after the expiration of three days from the day of passing the Sentence.

131. In all cases where the Sentences do not attach infamy, or where the effect thereof can be removed by the final decision on the re-hearing, the Sentences passed in the first instance, must be complied with before the re-hearing takes place, except in cases where the Sentence imposes a pecuniary fine of great importance to the Party condemned ; in which case the Court pronouncing the Sentence, shall be at liberty to take satisfactory security for the amount.

132. In case the notice of re-hearing be not lodged, or the sum of five-and-twenty Rixdollars be not deposited, or the case be not brought before the Full Court in due time, the right of re-hearing shall be forfeited.

133. After the Summons calling on the opposite Party to attend at the reaudition shall have been put upon record, the Appellant shall exhibit to the Court a copy of the records of the proceedings in the first instance, and cause the grounds on

which he considers himself aggrieved to be stated, verbally, by one of the Practitioners of the Court : upon which the public Prosecutor or Respondent shall make his reply, and state his grounds for the confirmation of the Sentence ; whereupon the re-hearing shall be closed, and Sentence passed on the records of the proceedings in the first instance ; unless the Court should think proper to allow or direct the Parties, to make a rejoinder and sur-rejoinder, previous to passing Sentence.

134. No other documents or evidence shall be admitted at the re-hearing but those produced in the first instance ; unless by consent of the Court, to be given on legal grounds. But such consent shall not be granted in case it appears to the Court that the Appellant or Respondent, as the case may be, was aware of the existence of such documents or evidence, at the time of the investigation of the case in the first instance, and had an opportunity of informing the Court thereof.

135. An Appeal is allowed from Sentences on the perpetration of Crimes and Misdemeanors passed by

- (a) The respective Boards of the Landdrost and Heemraden, to the Commission of Circuit or the Full Court of Justice, and
- (b) From definitive Sentences of the Commission of Circuit or the Full Court of Justice, to the Right Hon. the Court of Appeals.

But no Appeal lies from Sentences passed by default.

136. Since all difference between *extraordinary* and *ordinary Proceedings* in Criminal Cases, established by the Dutch Law, is done away by the Mode of Proceeding prescribed by this Ordinance, the right of Appeal, in Criminal Cases, shall likewise no longer depend on such difference ; but henceforth the following prescriptions shall be observed :—

- (a) The condemned Person shall not be allowed to appeal from a Sentence involving public punishment, which has been passed by the Court of Justice or the Commission of Circuit, on a *complete confession* of the Delinquent.
- (b) Sentences not passed on a *complete confession*, are *only* appealable when they involve *Death*.

- (c) Notwithstanding these prescriptions, the Governor for the time being shall be at liberty, on the examination of Sentences presented to him for his *Fiat*, in all Criminal Cases without exception, to give such legal orders and directions as the interest of Justice and the welfare of this Colony will require.
- (d) No Appeal is allowed from Sentences of the Court of Justice or the Commission of Circuit, containing less than public punishment ; unless the execution of such Sentences would attach infamy, or impose a penalty of one thousand Rixdollars ; in which latter case, however, the Sentence given in the first instance, must be complied with, or sufficient security for its amount given, to the satisfaction of the Court which pronounced the Sentence appealed from, before the Appeal be prosecuted.

137. No Appeal shall be allowed, either to the Commission of Circuit or Full Court of Justice, from Sentences passed by the Landdrost and Heemraden, inflicting public punishment, and passed on *complete confession*, or not involving public punishment nor attaching infamy, nor exceeding a fine of *three hundred Rixdollars*, where the public Prosecutor has not extended his claim beyond that sum ; saving, however, the competency given to the Governor for the time being, as expressed in the preceding Article, letter *c*.

138. In all cases where this Ordinance admits of a Re-hearing, or Appeal from a definitive Sentence, the same shall be admitted in regard to Sentences given on peremptory exceptions. Respecting which, however, the prescriptions contained in the 43rd Article of this Ordinance are to be observed. But no Re-hearing or Appeal shall be allowed from provisional Decrees for Imprisonment, or Summons for personal Appearance, or from Decrees for the Sale of Goods seized which are of a perishable nature, or the value whereof might be absorbed by the expenses which would follow from their remaining unsold, or from other provisional Decrees which may be amended by final Sentence and do not attach infamy.

139. The Appellant from a Sentence passed by the Court of Justice or the Commission of Circuit, and which, according to

this Ordinance, may be brought before the Right Honorable the Court of Appeals, is to lodge his Appeal, within five days from the passing of the Sentence appealed from, thenceforth to conform to all Orders and Regulations already established, or in future to be established, by the said Right Honorable Court.

140. The Sentences of the Right Honorable the Court of Appeals are definitive, without any further Appeal; saving, however, the right of the Governor for the time being, to grant pardon, or postpone the execution of the Sentence, as heretofore.

141. An Appellant from a Sentence of the respective Boards of the Landdrosts and Heemraden, which, according to this Ordinance, may be appealed from, must note such Appeal within five days from the day such Sentence is pronounced; and if, at the time of noting such Appeal, the period for the departure of the Commission of Circuit from Cape Town has not been officially notified, the Board of Landdrost and Heemraden are forthwith to forward to the Court of Justice the Records of the Proceedings on which the Sentence appealed from has been passed, in order to obtain their directions, whether the Appeal is to be carried on before the Full Court, or to lay over till the arrival of the Commission of Circuit.

142. In case the Appeal is directed to be carried on before the Full Court, the Appellant is, within the period to be prescribed by the Court, to cause the grounds on which he conceived himself aggrieved, to be stated verbally by one of the Practitioners; whereupon the public Prosecutor, or his Agent, shall reply thereto, and state his grounds for the confirmation of the Sentence; upon which the case shall be closed, and Sentence passed on the Records according to Law.—In case, however, the Appellant should be prevented by lawful reasons from stating his grievances at the stipulated period, a prolongation shall be granted.

143. If the case be referred to the Commission of Circuit, the same mode of proceeding is to be observed, with this difference only, that the day on which the Appeal is to be heard shall be fixed by the Commission.

144. The production of further documents and evidence not

produced in the first instance, shall be subject to the same Rules as those laid down in the 134th Article, in regard to a re-hearing.

145. Independent of these Regulations, the Court appealed to shall be authorised to order such further proceeding, or the production of such further documents, as the discovery of truth,—the protection of innocence,—and the administration of equal and impartial Justice shall require.

146. Finally, it is hereby declared, that the Laws, Proclamations, and Regulations after mentioned, shall henceforth be null and void, so far as the same relate to Crimes and Misdemeanors, and have been hereby partly or wholly altered or modified, to wit :—

- (a) The Ordinance on the Mode of Proceeding in Criminal Cases, dated the 9th of July, 1750.
- (b) The Ordinance on the Government of the Country Districts, dated the 24th of October, 1805.
- (c) The Proclamation relative to the Commission of Circuit, dated the 16th of May, 1811.
- (d) The Proclamation in regard to Witnesses and the removal of Prisoners, dated the 3rd of September, 1813.
- (e) The Proclamation respecting the Proceedings in open Court, dated the 25th of September, 1813.
- (f) The Proclamation respecting the Mode of Proceeding, in regard to seizures and confiscations, and the sale thereof, dated the 21st of October, 1814.
- (g) The Proclamation respecting the Jurisdiction of the respective Boards of the Landdrost and Heemraden, in Criminal Cases, dated the 18th of July, 1817.
- (h) The Proclamation respecting Master, Servants, and Apprentices, dated the 26th of June, 1818.
- (i) The Proclamation relative to Appeals in Criminal Cases, dated the 26th of August, 1818,—And
- (k) The Proclamation in regard to Defaulters, dated the 1st of January, 1819.

And in order that no Person may plead ignorance hereof, these Presents shall be published as usual.

Thus done and decreed in the Court of Justice, at the Cape

of Good Hope, the 2nd day of September, 1819, and published the 4th day of December following.

(Signed) J. A. TRUTER, *Chief Justice.*

By order of the Chief Justice and Members of the Court,

(Signed) D. F. BERRANGE, *Secretary.*

Fiat,

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Majesty's Postmasters General having, under the circumstances of change in the Post Office Regulations, consequent upon an Act of last Session of Parliament, dated 12th July, 1819, withdrawn their Commission of Deputy Post Master General from Robert Crozier, Esq. His Excellency the Governor has been pleased to direct, that the said Robert Crozier, Esq. Colonial Postmaster, shall take charge of, and distribute, as heretofore, all Mails and Letters arriving from Great Britain, or Foreign Ports, Eastward or Westward of this Place, and shall also receive, take charge of, and dispatch by Mail, as usual, all Letters outward bound, charging for each Letter received or dispatched, at the rate of 2 Skillings per Sheet, or 1 Rixdollar per Ounce, and for greater weight in proportion to that charge.

Cape of Good Hope, 17th December, 1819.

By His Excellency's Command,

(Signed) C. BIRD, *Secretary.*

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, Knight Commander of the Most Honorable and Military Order of the Bath, Acting Governor, and Commanding in Chief His Majesty's Forces at the Cape of Good Hope.

Whereas His Excellency the Right Hon. General Lord Charles Henry Somerset, has obtained His Royal Highness the Prince Regent's most gracious permission, to return to Europe on private affairs, with Instructions for Him to leave the Power and Authority of this Government in the hands of Major General Sir Rufane Shawe Donkin, Knight Commander of the Most Honorable and Military Order of the Bath :

And whereas the said Major General Sir R. S. Donkin, K.C.B. has taken the usual Oaths, in the usual manner, and entered upon the Duties of the Government of the Cape of Good Hope ; —Notice is hereby given to all Officers, Civil and Military, and all Persons are hereby called upon, from the date of these presents, to obey all Orders and Commands that may from time to time be issued by the Acting Governor and Commander in Chief, in like manner as coming from the actual Governor of this Colony.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 13th day of January, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas it has been represented to me by the Landdrost and Heemraden of the Cape District, and by the Landdrost and Heemraden of the Stellenbosch District. that the unavoidable

Expences of the said Districts, for the Year 1819, have exceeded their respective Incomes for that Year, in the several Sums of Three Thousand Nine Hundred and Seventy Rixdollars, Three Skillings, One Stiver, and a Quarter, in the Cape District ; and Two Thousand Nine Hundred and Seventy-three Rixdollars, Three Skillings, One Stiver, and a Quarter, in the Stellenbosch District ; and that the aforesaid Boards of Landdrost and Heemraden have no means of defraying the said Arrears, but by an extra Assessment in their respective Districts :—

Be it therefore hereby made known, that, however reluctant I feel to impose any additional Burthens upon the Inhabitants of the aforesaid Districts, yet taking into consideration the respectable representations of the Boards of Landdrost and Heemraden of the two aforesaid Districts, and being aware of the great expence which the unavoidable circumstances of the last Year must have occasioned, I have thought proper, in conformity to the 4th Article of the Proclamation of the 1st of April, 1814, to authorise and direct the Board of Landdrost and Heemraden of the Cape District to assess and levy, at the ensuing Opgaaf, in the usual manner, the Sum of Three Thousand, Nine Hundred, and Seventy Rixdollars, Three Skillings, One Stiver and a Quarter, and the Board of Landdrost and Heemraden of Stellenbosch to assess and levy, at the ensuing Opgaaf, in the usual manner, the Sum of Two Thousand, Nine Hundred, and Seventy-three Rixdollars, Three Skillings, One Stiver and a Quarter, for which this shall be their sufficient Warrant.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 31st day of March, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE
SHAWE DONKIN, &c., &c.*

Whereas by the Instructions for the guidance of the Boards of Landdrost and Heemraden of the Country Districts, dated 23rd October, 1805, Art. 103, it is provided, “ that the Ordinary Court Days in the distant Districts of Swellendam, Graaff-Reinet, and Uitenhage, shall be held on the first Monday of every Quarter.” And whereas it has been represented to me, that the encrease of Business in the Provincial Courts, whose Jurisdiction has been extended at various times, since the period at which the aforesaid Instructions were framed, and now embraces a variety of matter not at that time of their cognizance, renders it expedient and necessary, that the Ordinary Meetings of the aforesaid Courts should be more frequent : It is therefore hereby ordered and directed, that the Ordinary Meetings of the Boards of Landdrost and Heemraden in the aforesaid Districts, and in the District of George, and the Meetings of the Boards of Deputy Landdrost and usual Functionaries in the Sub-Divisions of the aforesaid Districts, where such at present assemble for similar objects, shall henceforward be held on the first Monday of every second Month, viz. :—On the first Mondays of the Months of January, March, May, July, September, and November, in lieu of the present Quarterly Meetings. And it shall be understood, that if the Business on the Roll of the Court be not completed at a single Sitting, the Heemraden shall continue the following Day at the Drostdy, to resume the Session, and terminate the Business of the District, with the least delay to the Parties concerned.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 31st day of March, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.] .

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE
SHAWE DONKIN, &c., &c.*

Whereas it has been represented to me by the Magistrates of the Interior Districts, that great Irregularities have prevailed, in consequence of the Regulations for Vending Cape Wine by large Quantities, and for the Sale of Foreign Wine and Spirits, which have from time to time been framed for the Guidance of Venders, having been so framed for Cape Town, Simon's Town, and Stellenbosch, solely, and, therefore, not being applicable, without further Authority, to the present state of the Towns, Villages, and Population of the Interior.

Be it therefore hereby made known and ordered,

1st. That henceforward, the Retail of all Foreign Spirits in the Interior, shall be annexed to the Farms for the Retail of Cape Wines and Spirits.

2nd. That all Persons holding Stores for the Sale of Cape Wine, and Foreign Wines and Spirits, shall, as in Cape Town, take out an Annual Licence, on a Stamp of 50 Rixdollars.

3rd. This Licence will authorize the Seller to Vend Cape Wine, and Foreign Wines and Spirits, by Wholesale ; that is, Cape Wine or Spirits in Quantities not less than an half Aum :— Foreign Wines and Spirits, in the Cask or Package in which they shall have been imported from Europe.

4th. Any Person infringing these Regulations, will subject himself to the Penalties hereinafter mentioned, which Penalties may be sued for, recovered, and enforced, in and by any of the Courts of Landdrost and Heemraden, or of Deputy Landdrost and Heemraden, (within the Jurisdiction of which the Offence shall have been committed,) in the usual manner.

5th. Any Person selling Wine or Spirits Wholesale, without an Annual Licence on a Stamp of 50 Rixdollars, shall be liable to a Penalty of 150 Rixdollars.

6th. Any Person selling, bartering, or disposing of Cape Wine or Spirits, by a less Measure than a half Aum, or Foreign Wine or Spirits otherwise than by the Cask or Package in which they shall have been imported, shall be liable to a Fine of 150 Rixdollars for a first Offence : to a Fine of 300 Rixdollars, with

confiscation of all the Wines and Spirits in his possession, for a second Offence ; and to a like Punishment for a third Offence, with Banishment from the District in which the said third Offence shall have been committed ; which Penalties, however, shall be liable to Modification, according to circumstances, by the Court before which the Offence shall be tried.

7th. It is, however, further made known, that these Regulations shall not be applicable to the Privileges which the Wine Growers may be entitled in the disposal of their Produce at Public Market, or upon their own Farms by Wholesale.

And that no one may plead Ignorance hereof, I have directed, and hereby order, that this Proclamation shall be published and affixed in the usual manner, and that Copies be sent to the Local Magistrates, for general Information.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of June, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas by my Proclamation of the 1st February last, certain strict Quarantine Regulations were directed for these Bays, in consequence of a dreadful Epidemic having made its appearance at the Island of Mauritius ; and whereas the Merchant Vessel *Frances Charlotte*, Thomas Barnett, Master, arrived here on the 22nd of July, bringing an authentic Certificate from the Authorities in the aforesaid Island, of the disappearance of the Malady in question, and of the non-existence, at the date of that Certificate, viz : the 14th of June last, of any contagious Disorder there : It is therefore hereby made known, that the aforesaid Quarantine Restrictions are hence-

forward to be considered as entirely annulled ; and that these Ports are again open, as heretofore, to all Vessels from the Mauritius and Dependencies, or from the Eastward, with the exception, however, of the Islands of Madagascar and Bourbon—Ships and Vessels from whence are to be placed in strict Quarantine, until further information is obtained with respect to the Health of these Places.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 28th day of July, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas the Brewers of this Town have represented to me, that the System of Farming the Retail of Cape-brewed Beer is extremely prejudicial to their Interests, inasmuch as it tends to throw a Monopoly of the Sale of Beer into the hands of one of the said Brewers, to the prejudice of the others ; and whereas it is my wish to give every Encouragement in my Power, (consistent with a due Consideration of the Interests of the Revenue,) to the industrious efforts of those Individuals who have expended their Capital in the furtherance of any particular Branch of Trade ; I have, therefore, for the present Year, (as a Trial,) accepted from the said Brewers, jointly, a Compensation in lieu of putting up the Retail of Cape Beer to farm, as was advertised for the 14th of the present month, of which I hereby give public Notice.

But whereas it is necessary, that an efficient Check should be had upon the Beer-Houses in Cape Town, and District and the

Residency of Simon's Town ; and that no Person or Persons shall be allowed to sell Cape-brewed Beer by Retail, without a regular Licence for the same : Be it therefore hereby made known and ordered, that every Person who shall retail Cape-brewed Beer from and after the first day of September next, shall be bound to take out a Licence for that purpose, upon a Stamp of 25 Rds. which Licence shall be taken out in the usual manner from the Office of the Colonial Secretary, and be exhibited to His Majesty's Fiscal, if the said Licence is for Cape Town ; or to the Landdrost or Resident, if the Licence is for the Cape District, or the Residency of Simon's Town.

And if any one shall be detected in selling Cape-brewed Beer, by Retail, without the Licence hereby directed, such Person will incur a Penalty of treble the amount of the Licence aforesaid, (over and above the value of the said Licence,) to be sued for and recovered in the usual manner.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of August, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas it has appeared to me, upon due Consideration, to be expedient, that the Deputy Landdrosts at the Sub-Drostdies of Cradock and Beaufort should be authorised to establish a Court, at each of those Stations, for the Cognizance of such Civil and Criminal Cases, as are of the Competence of the Courts of Landdrost and Heemraden to decide upon.

I do, therefore, hereby authorise and direct the Deputy Landdrosts of Cradock and Beaufort, (a Matrimonial Court being already established at these Stations, respectively,) to assemble, on the first Monday of each Month, a Court of Deputy Landdrost and Heemraden, (the number of Heemraden necessary to constitute such Court, with the Deputy Landdrost, not to be less than two,) for the Trial of such Criminal Cases as are cognizable by the Courts of Landdrost and Heemraden, under the Proclamation of the 18th July, 1817, and of such Civil Cases, as are of the Competence of such Courts to decide upon.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of October, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas a considerable diminution has already been caused in the Costs requisite for the Recovery of Debts amounting to 300 Rds. or under, by the Establishment of a Petty Court in Cape Town ; but whereas the said Court is not vested with Authority to grant *parata Executio* on Vendue Notes, the Prosecution for which (of the most trifling amount) must be carried on before the Full Court of Justice, which is a considerable hardship on the Debtor, as being thereby liable to greater expence than when prosecuted before, and condemned by, the Petty Court in any other Action of the same value : I have therefore judged proper to order and enact, that, in future, the Commissioned Member from the Worshipful the Court of Justice, daily sitting pursuant to the 101st Article of

the Crown Trial, shall be authorised, and he is hereby authorised accordingly, to grant *parata Executio* on all Vendue Notes of the amount of 300 Rds. or under, for which purpose the Commissary of Vendues shall have the right of causing all such Vendue Notes amounting to 300 Rds. or under, to be exhibited by one of his acknowledged Clerks to the said Commissioned Member, on such days as are prescribed by the above-mentioned Article of the Crown Trial, from 10 o'Clock in the Forenoon, till 2 o'Clock in the Afternoon ; and to pray that a Decree of *parata Executio* may be granted thereon ; which prayer the said Commissioner is authorised immediately to comply with, by writing underneath each Vendue Note *Fiat Executio*, and affixing his Signature thereto : and the Sequestrator shall be obliged, on this Decree, forthwith to carry into effect the *parata Executio*, in such manner and under such restrictions as are prescribed to him under date of the 9th March, 1819, with respect to the recovery of Vendue Notes in the Country Districts, and which have been likewise directed for his observance in Cape Town.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 7th day of November, 1820.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAW DONKIN, &c., &c.

Whereas it has been found expedient to send certain Caffre Prisoners, lately arrived from the Frontier, to the Prison Depot at Robben Island, there to remain till further Orders ; and whereas it is of the greatest Importance to the Tranquillity of the Interior, that the said Caffre Prisoners shall not have it in

their power to effect their Escape from the said Island, as has in many former instances been the case, owing to the Negligence of those, who have not properly secured the Boats which have frequented the said Island : Notice is therefore hereby given, that, in future, no Boat or Boats, of any description, will be permitted to be hauled up on any part of the Beach of the said Island ; but that all Boats frequenting the Island are to anchor at such Place as shall be pointed out by the Commandant, and not be suffered to remain during the Night, even at the Anchorage, except in case of Stress of Weather, and in such case, not without the Consent of the Commandant aforesaid, who is hereby ordered and directed to take possession of the Oars, Masts, Sails, &c. of such Boat or Boats, and to take such further Precautions for Public Security, as to him shall seem efficient for the object in view.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of January, 1821.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas it has appeared to me, upon due Consideration, to be expedient, that Courts for the Enregisterment of Marriages, and for the Cognizance of such Criminal and Civil Cases, as are of the competence of the Courts of Landdrost and Heemraden to decide upon, should be established at the Sub-Drostdy of Worcester :

I do, therefore, hereby authorise and direct the Deputy Landdrost at that Station, to assemble a Court of Deputy Landdrost

and Heemraden, (the number of Heemraden competent to constitute such Court, with the Deputy Landdrost, not to be less than two,) on the first Monday of every Month, at which Court all the Inhabitants now included in the said Sub-Division, shall be at liberty to have their Marriages registered, as customary in this Colony.

And I do hereby further direct the aforesaid Deputy Landdrost, with the number of Heemraden as aforesaid at least, to constitute a Court at the same time and place, for the Trial of such Criminal Cases as are cognizable by the Courts of Landdrost and Heemraden, under the Proclamation of the 18th of July, 1817, and of such Civil Cases as are of the competence of those Courts to decide upon.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of January, 1821.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas it has appeared to me, upon due Consideration, to be expedient, that the Deputy Landdrost at the Sub-Drostdy of Caledon, should be authorised to establish a Court at that Station, for the Cognizance of such Civil and Criminal Cases, as are of the competence of the Courts of Landdrost and Heemraden to decide upon :

I do, therefore, hereby authorise and direct the Deputy Landdrost at Caledon, (a Matrimonial Court being already established at that Station,) to assemble, on the first Monday of each Month, a Court of Deputy Landdrost and Heemraden, (the

Number of Heemraden necessary to constitute such Court, with the Deputy Landdrost, not to be less than two,) for the Trial of such Criminal Cases, as are cognizable by the Courts of Landdrost and Heemraden, under the Proclamation of the 18th July, 1817 ; and of such Civil Cases, as are of the Competence of such Courts to decide upon.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of April, 1821.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE
SHAWE DONKIN, &c., &c.*

Whereas it has been represented to me, that doubts have been entertained, whether the Regulations contained in my Proclamation of the 30th June, 1820, for the better enforcement of the former Regulations for the Vending of Cape Wines by large quantities, and for the Sale of Foreign Wines and Spirits, should be considered applicable to Cape Town, Simon's Town, and the Cape and Stellenbosch Districts :

And whereas it has been also represented to me, that it would be advantageous, that the Regulations of the aforesaid Proclamation should be made applicable within the Limits above-mentioned, if not to be so considered from the wording of the Proclamation alluded to :—

Be it therefore, hereby made known and ordered, that henceforth, the Regulations contained in my Proclamation of the 30th June, 1820, shall have effect, and be deemed obligatory, not only in the several Districts of the Interior, but likewise in Cape Town, the Cape, and Stellenbosch Districts, and in the Resi-

dency of Simon's Town ; and annulling, hereby, all former Regulations which shall be found to be at variance with the aforesaid Regulations of the 30th June, 1820 : And it is hereby further ordered, that all Penalties incurred under the aforesaid Proclamation, shall be prosecuted, and sued for, in the Ordinary Courts of the District or Place where the Offence shall have been committed.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 27th day of July, 1821.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR RUFANE SHAWE DONKIN, &c., &c.

Whereas it has been represented to me, to be desirable for establishing regularity in the Administration, and uniformity in the execution of the Orders and Regulations respecting the Sale and Retail of the Cape and Foreign Wines, and Malt and Spirituous Liquors, throughout the Colony, that the said Orders and Regulations shall be collected and embodied.

And whereas the present circumstances of this Colony, and the abuses which, from time to time, have crept into the aforesaid Administration, have rendered it necessary to make partial changes therein, and to extend the same :—In renewing, altering, and amplifying the said Orders and Regulations, I have, therefore, thought fit to order and direct, by these Presents :—

1. That no one shall be allowed to store for Sale, or sell Wholesale, any Cape or Foreign Wines, Malt, or Spirituous Liquors ; such Persons excepted, as shall have obtained, for that purpose, from the Colonial Government, either by Farming, or otherwise, the thereunto necessary Licence or Permission.

2. From this General Rule, is, however, excepted, the Wholesale Importation and Sale of Foreign Wines, Beer, and Spirits, in as far as they are not already, by existing Laws, or shall not be declared to be included in the Wine or other Farms, which shall hereinafter be mentioned. The Sale and Purchase, therefore, of the said Foreign Wines, Beer, and Spirituous Liquors, in the Cases, Casks, or Packages, in which they shall have been imported, and have been duly registered in the Books of the Custom-Houses of Cape Town and Simon's Town, is hereby permitted, provided the said Cases, Casks, and other Packages, do not contain less than two Gallons and a half, or twelve common Bottles, of Foreign Wine; seven Gallons and a half, or thirty-six common Bottles, or fifteen Flasks of Foreign Gin, Brandy, Arrack or Rum; two Gallons and a half, or twelve common Bottles, of other Foreign Spirits; and one Anker, or forty common Bottles, of Foreign Beer. And, in like manner, the Sale of the aforesaid Foreign Wines, Beer, and Spirits, after they shall have been taken out of the Cases, Casks, and Packages in which they shall have been imported, is permitted, in Quantities of not less than seventy-two common Bottles.

3. From the General Rule are likewise excepted, all Public Sales of Cape and Foreign Wines, Beer, and Spirituous Liquors, in as far as these take place for the liquidation or settling of Estates by Judicial Decrees, or by the Orphan Chamber, the Sequestrator, or other Public Boards, or Officers; as also by, or on behalf of, Testamentary Executors, or of Agents for Persons having left the Colony:—All these are allowed to sell, or cause to be sold, publicly, Cape and Foreign Wines, and Spirituous Liquors, in the following quantities, viz: Cape Wines, not less than fifteen Gallons, or seventy-two common Bottles; and Foreign Wines, not less than seven Gallons and a half, or thirty-six common Bottles, or remnants of each sort, should there be less than the said quantities; and, moreover, all unbroken Cases, Casks, or Packages of Foreign Wines, Beer, and Spirituous Liquors, as specified in the 2nd Article, in the Cases, Casks, or other Packages, in which they shall have been imported.

4. From these General Rules are also excepted, as heretofore, all Wine-Growers, who shall be allowed, without molestation, to store their Wines in such places as they shall think proper; and also, as heretofore, shall be allowed to sell their Wines at Public

Markets, or on their own Estates, either to Shipping or to the Inhabitants, for consumption or for exportation ; not, however, in less quantity than a half Aum ; provided, nevertheless, that as to the time of bringing their Wines to Cape Town or Simon's Town, as also with respect to whatsoever is required to precede the shipping and exporting of their Wines, they conform strictly to such Regulations as are, or shall be, prescribed for these objects.

5. The Wine-Growers shall, however, not be allowed to sell their Wines within the limits of any Wine Farm or Licence, to any other but such Farmer or Licensed Wine-Seller, either directly or indirectly, unless they shall have received a proper Licence for that purpose, and that they strictly conform to the Rules therein prescribed ; by neglect of which, such Licence shall forthwith be forfeited ; and on selling any Wine without Licence, the Offender shall be liable to a Fine of 300 Rds.

6. As the Exportation of new Wines is found to have very injurious effects upon the demand for this important Article of Produce, in order to prevent its Exportation, and the frauds that might be committed, by mixing new and old Wines, no Wine shall be allowed to be brought into Cape Town, Simon's Town, or any other Place from whence it might be exported, in any Casks, of whatsoever Size or Quantity, except by my special Permission, or that of the Governor for the time being, from the 1st Day of February, to the last Day of August, of each Year, on pain of Confiscation of the Wines so brought, contrary to the intention hereof, and of the Casks in which it is contained.

7. From the foregoing Article, however, those particular Wines shall be excepted, which are allowed to be brought in, in smaller Casks, and small Quantities, containing no more than half a Leaguer, viz :—Constantia, or fine Dessert Wines of that nature ; provided, that for this purpose, a written Permission be obtained from His Majesty's Fiscal, by which he may be enabled to guard against the infringement of the Regulations contained in the foregoing Article, under this pretext.

8. In order to prevent the foregoing prohibition from interrupting the ordinary transport of Cape Wine to Simon's Town, which has been brought into Cape Town in proper Season, it is to be understood, that the Wine Merchants in Cape Town, and others, shall be allowed to take Wine from Cape Town to

Simon's Town, provided they have obtained from the Collector of Tithes, a Certificate for every Case, Cask, or other Package, wherein such Wine is transported, in proof of the said Wine having been brought in, in proper Season, and that the Duties have been duly paid thereon. And all Cape Wine which, without such Certificate, shall be brought into Simon's Town, between the 1st Day of February, and the last Day of August, of each Year, shall be subject to the Confiscation directed by the 6th Article, and moreover to such Penalties as are attached to the non-payment of the Duties on Wines brought to Market ; and the Collector of Tithes, as also, His Majesty's Fiscal, and the Resident of Simon's Town, are hereby directed to be careful, that the Regulations directed by this and the foregoing 6th and 7th Articles be strictly observed.

9. No Person shall be allowed to store for Sale, or sell, any Cape Wine, Brandy, or other Spirituous Liquors, by the half Aum, or larger Casks, without having previously obtained my Licence, or that of the Governor for the time being, on a Stamp of 50 Rds. which Licence must be registered in the Colonial Office, the Fiscal's Office, and at the Office of the Burgher Senate, or Landdrosts' Offices, as the case may be, and be annually renewed, under Penalty of a Fine of 150 Rds. to be levied on the Person who shall, without having obtained such Licence, have sold, Wholesale, Cape Wine, Brandy, or other Cape Spirituous Liquors, and such Defaulter shall be, moreover, compelled to provide himself with the required Licence.

10. Wine Merchants, who shall have obtained the aforesaid Licences, shall sell their Wines, and other Liquors, from Stores, Cellars, or other Places, which open into a Public Street, or Road, during the Summer, between the Hours of 6 and 12, in the Forenoon, and between those of 1 and 7, in the Afternoon ; and during the Winter, between the hours of 7 and 12, in the Forenoon, and 1 and 5, in the Afternoon, (Sundays and Holidays excepted,) during which Hours, the Doors are to be constantly open ; and such Venders shall not be permitted to have a Screen, or to place Casks, or any thing else, before the Store or Cellar, or other Place, by which the view into it shall be obstructed, on pain of forfeiting the said Licence.

11. These Licensed Wine-Sellers shall, however, not be allowed to sell, or to deliver, any Wine, or other Liquors,

expressed in their Licences, by the half Aum, or larger Casks, to any of the Retailers, (By-Tappers), of the respective Wine-Farmers ; nor shall any of these Retailers be allowed to receive such ; —Defaulters herein, the Seller, as well as the Receiver, shall be considered as Smugglers, and, as such, be liable to such Fines and Penalties, as are directed in the 14th Article of this Proclamation.

12. The Licensed Wine-Sellers shall not be permitted to sell to any Officer whomsoever, for his own use, or for that of the Mess to which he may belong, either in the Castle, or in Barracks, in Cape Town, or in such other Places to which this Order shall, by my Commands, or by the Commands of the Governor for the time being, be made to extend, any Cape Wine, or other Liquors, comprised in their Licences, by the half Aum, or larger Casks, unless a written Certificate from the Officer by whom the Wine, or other Liquors, shall be required, be delivered to him, specifying whether the Wine, &c. be for his own use, or for that of the Mess ; and the Wine-Seller shall, moreover, previous to his delivering such Wine, &c. send a Certificate, expressing to whom the Wine is to be delivered, to the Wine-Farmer within whose Limits the Castle, Barracks, or such other Place above alluded to, is situated, under the same Penalties as are expressed in the foregoing Article.

13. In like manner, the Licensed Wine-Seller shall not be permitted to sell any Wine, or other Liquors expressed in their Licences, by the half Aum, or larger Casks, to any Non-Commissioned Officer, or Private Soldier, residing in the Castle, Barracks, or any such other Place alluded to in the foregoing Article, under similar Penalties : Non-Commissioned Officers, or Privates, not residing in the Castle, Barracks, or such other Places as before alluded to, provided they are not Servants, are not included in the above Regulations ; but are permitted to obtain for their own use from the Wine-Sellers, Wine or other Liquors, by the half Aum, or larger Casks, on producing a Certificate from their Commanding Officer, examined and countersigned by His Majesty's Fiscal, or the Magistrate of the Place to which it refers.

14. In any Place, where the Permission to retail Cape and Foreign Wines, Malt and Spirituous Liquors, is obtainable by Farming, or by a Government Licence, no Person shall retail

any of those Liquors, without such Licence; such Person becoming liable to a Fine, for the first infringement of this Regulation, of 300 Rds. to be divided,—one-third to the Officer prosecuting, one-third to the Farmer, (Pachter,) and one-third to the Informer; or in case of inability to pay, to arbitrary Punishment: for the second Offence, 500 Rds. to be divided as above; or in case of inability to pay, to flogging in the Prison by the Constables: and for the third Offence, to five Years' Banishment from the Colony.

15. As owing to the great extent of this Colony, there are many Parts to which, on account of their distance, and the thinness of the Population, the obligation of taking out Licences for the Retail of Wine and Brandy, is not yet extended; it is hereby expressly declared, that until the Government shall order to the contrary, in all such Places for which no Wine Licences are granted, the Wine-Growers shall be allowed to sell their Wine and Brandy, on their Estates, by small Measure, without thereby being rendered liable to any Fine or Penalty, provided they report the same to the Landdrost of the District to which they belong, annually, at the time of making their Opgaaf: the said Wine-Growers are, however, restricted from establishing any Tap or Wine House, beyond the Limits of their Estates; or to hawk their Wine about the Country, for the purpose of retailing it, on pain of being considered as Smugglers, and incurring the Fines and Penalties specified in the foregoing Article.

16. At the Public Letting or Farming of the Sale of Cape Wines, Brandies, &c. at Cape Town, the Government grants to the highest Bidder an exclusive Licence:

1. To Tap and Retail Cape Wine.
2. To Tap and Retail Cape and Foreign Brandy, and other Spirituous Liquors.

Both these Licences extend to Cape Town, Salt River, Rondebosch, Wynberg, Muizenburg, Simon's Town, and all the intermediate parts, as expressed in the Conditions of Sale of these Farms, or such proportions thereof as form the respective Lots; as also to Stellenbosch, and all other places throughout the Colony to which the obligation of taking out Licences is either already, or may in future be extended.

3. To Tap and Retail Foreign Wines and Beers, which last Licence extends through the same Limits as the two former, with the exception of Cape Town itself.

The Contract to be formed between the Government and the respective Wine Farmers, is fixed by the Terms of the respective Lettings.

17. Government grants Licences without Letting :

1. To Tap and Retail Foreign Wines and Beer in Cape Town, which Licences must be written on Stamps of 200 Rds.
2. To Tap and Retail Cape Beer, which Licences must be written on Stamps of 25 Rds. and without which Licence no Persons, not even Brewers, are allowed to retail Cape Beer in any part of the Colony.

All such Persons who shall, without having obtained either of the above specified Licences, be found to have retailed any of the Liquors expressed in them, will be considered as Smugglers, and as such, be subjected to the penalties stated in the 14th Article.

Government reserves to itself to grant the exclusive Privilege of Brewing Cape Beer, both by Farm or otherwise, and to make such arrangements therein as it shall deem expedient.

18. None but Burghers of the Colony shall obtain the Licences mentioned in the two preceding Articles. No Wine-Grower shall be allowed a Licence to tap and retail Cape and Foreign Wines or Spirituous Liquors ; and the Wine Farmers, and those having obtained said Licences, are not allowed in anywise, directly or indirectly, to associate themselves with a Wine-Grower, or Wine-Growers, or to transfer to them any part of their Farm, or Licence, on pain of each Party becoming liable to a Fine of 1000 Rds. ; and any Agreement existing between the Farmer or Holder of a Licence, and the Grower, shall moreover be deemed null and void.

19. The Holders of the aforesaid Licences shall be allowed to sell the several Liquors expressed in their Licences, in such places as shall best suit them, provided it be done with the concurrence of His Majesty's Fiscal, in Cape Town, or the Landdrost or Resident of the Place for which the Licence is granted.

The Holders of Licences granted by Public Letting, shall have the right to open as many Tap-houses as by the Conditions of the Letting shall have been determined ; remaining, however, responsible for the Conduct of the Retailer, by them appointed : and the Offenders against any of the Regulations established by the present Proclamation, or other existing Laws, or against such as shall hereafter be established respecting the respective Wine-Farmers, and prescribed by the Conditions of the Letting, shall, when these Offences are committed by Retailers, be nevertheless considered as if they had been committed by the Farmers themselves, who shall, for that reason, also be held responsible for all Confiscations and Fines, which, in consequence thereof, shall be incurred by their several Retailers ; retaining, nevertheless, the right of recovering against such of their Retailers who, unknown to them, shall have thus offended ; and who, as well as the Farmers, shall be held responsible for the consequences thereof.

20. Moreover, the Farmers of the Licences to retail Cape Wines, Brandy, and other Spirituous Liquors, are allowed the same right to sell Cape Wine and Brandy, wholesale, as the privileged Wine-Sellers are allowed by their Licences.

21. The Farmers, or other Holders of Licences to retail, are exclusively permitted to retail the Liquors expressed in their respective Licences, to the Shipping within the Limits of their Licence, and to send such Liquor on board of Ships, for the purpose of being there retailed ; but all wholesale Dealers, or Licensed Wine-Sellers, are permitted to dispose of their Liquors to Shipping, either for consumption in the harbour, or for stock for the voyage, in the usual wholesale quantities.

22. No Farmer (Pachter) shall, however, be allowed to retail any Liquors not expressed in his Licence, without having obtained Permission to that effect from the Farmer (Pachter), whom it may concern, and with the knowledge of His Majesty's Fiscal, Landdrost, or Resident of the Place, to which the Licence or Farm refers.

No Farmer (Pachter) shall be allowed to sell, directly, or indirectly, any Wine or Liquors at any other place than at his known Public Tap-Houses, on pain, in both instances, of being considered as a Smuggler, and as such of being punished according to the 14th Article of this Proclamation, in those

cases in which the first part of this Article shall have been contravened, and of being liable to a penalty of 300 Rds. and the confiscation of whatever Wine and other Liquors shall be found in such private Tap-House, in such cases as contravene the second part of this Article.

23. When, and for so long as to promote Order, and the advantage of the Military, it shall be thought expedient to allow Canteens to be kept in the Castle in Cape Town, in Barracks, Quarters, Cantonments, or Encampments, the Farmers within whose Limits such Canteens shall be established, shall have the exclusive right to retail their Liquors in the same ; but they shall conform to all such Limitations and Military Regulations, as for the preservation of Order, and to prevent Fraud, shall be deemed necessary ; and the Keepers of such Canteens shall be obliged to buy the Liquors sold in their Canteens exclusively of the Farmers (Pachters) aforesaid, on pain of being considered as Smugglers, and liability as such to Punishment, according to the 14th Article of this Proclamation.

24. The Farmers and other Holders of Licences, shall not sell, nor otherwise dispose of, any other than good and unadulterated Liquors, either Wholesale, or Retail : and in order rigorously to prevent any abuse herein, His Majesty's Fiscal, the Landdrost, or Resident of the Places where the Wine Stores, Cellars, or Tap-Houses, belonging to the Farmers, (Pachters,) or other Holders of Licences are, are hereby authorised to inspect the same, or cause them to be inspected ; and such Farmers and other Holders of Licences, being found to have sold any deteriorated or adulterated Wines, Beer, or Spirituous Liquors, or to have sent such for Sale to the Retailers at any Tap-House, Cellar, or other Public Houses, shall, for each Offence, be fined 150 Rds. besides being liable to have the bad Liquor immediately spilt, in the Place where it shall be found, without any form of Process.

25. All Casks, wherein Wine, Beer, or other Liquors, are kept for the supply of, or delivery to, the Regimental or other Military Canteens, &c. shall be numbered, and a half-a-Bottle, together with the number of the Cask, shall be sent, when required, to the Office of the Town Major, in Cape Town ; and in any District out of Town, to such Officer, as shall be thereto authorised by the Commanding Officer of the Regiment or

Detachment to which the Canteen is attached, as often as may be thought necessary, to have the Liquors in these Canteens examined, by those qualified to do so ; when, on finding that any of them be spoiled, or adulterated, the holder of the Licence by whom such Liquors have been delivered, shall be reported to His Majesty's Fiscal, Landdrost, or Resident, to be dealt with as expressed in the foregoing Article. But in case, that after the information shall have been laid, it shall be considered by His Majesty's Fiscal, Landdrost, or Resident, that said Liquors are saleable, and not too bad to be retailed by the holder of the Licence ; and the Town-Major, or Officer authorised to examine the said Liquors, shall feel dissatisfied with this award, he shall address himself to me, or to the Governor for the time being, to whose final decision, as to the good or bad Quality of the said Liquor, the Parties shall be bound to submit, without any further Form of Process.

26. No Gaming, either with Cards, Dice, or the like, shall be allowed in any of the Licensed Houses of the Farmers, (Pachters) or other Licensed Holders, on pain of a Fine of 50 Rds. to be paid by the Farmer, or Licensed Holder ; and the forfeiture of the Money, and other Articles, gambled for, independent of such other Penalties, as are established by Law against Gaming.

27. The Farmer, (Pachter,) and other Licence Holder, shall not purchase, or take in pawn, any Arms, Tools, Clothes, Shirts, Shoes, Stockings, Sheets, Blankets, or, in general, any necessary or suspected Article, brought by Soldiers, Sailors, Hottentots, Free-Blacks, or Slaves, and they shall not receive in Payment for their Liquor, from such Persons, any thing but Money, on pain of a Fine of 200 Rds. for the first Offence ; and for the second, of having the Tap-House, where the Offence has been committed, shut up ; nor shall the Farmer, or Holder of the Licence, be allowed to open another Tap-House in its stead ; nor will the aforesaid Penalties exempt the Offender from any Action to which he may have rendered himself liable, by purchasing, receiving in payment, or in pawn, any Article that may prove to have been stolen.

28. They shall not be allowed to harbour, or conceal any Soldiers, Sailors, Slaves, or Apprenticed Prize Negroes ; but, on the contrary, they shall be obliged to report to the nearest

Guard, every Soldier, or Sailor, who shall be in any of their Houses, after 9 o'clock in the evening, and insist on remaining there ; and to the nearest Under-Sheriff, or Police Officer, they shall give information, in like cases, respecting any Slaves or Prize Negroes, on pain of a Fine, in case of harbouring such persons, of 100 Rds. ; and, should such harbouring be proved to have been with intent to conceal such persons, to the further Penalty of the Forfeiture of the Licence.

29. All Persons selling and retailing Cape and Foreign Wines, Beer, and Spirituous Liquors, shall be obliged to have a Sign or Board at the outside of the House where such Liquors are sold, on which shall be written, in legible characters, in English and in Dutch, what Liquors are sold there, on pain of a Fine of 100 Rds. for the first Offence, and for the second, of Forfeiture of the Licence.

30. All Holders of Public Lodging or Eating Houses, as also Society Houses, are obliged to purchase the Liquors which they sell in their Houses or Societies, of the Farmer, or other Licensed Seller of such Liquors, on pain of being punished as Smugglers, according to the 14th Article of this Proclamation ; however, such Persons are allowed to compromise with the respective Farmers, and in case of disputes respecting the terms of such compromise, His Majesty's Fiscal, the Landdrost, or Resident, at the place where such House or Society is established, may, at the request of the Farmer, or the Holder of such House, or Society, after having heard both Parties, submit for my approbation and decision, or for the approbation and decision of the Governor for the time being, the Sum which he considers a sufficient equivalent to the Farmer, for the Keeper of such House, or Society, being allowed to purchase the Liquors included in the Farmer's Licence elsewhere.

31. From the provisions of the preceding Article are excepted the Wine and other Liquors, which the Keepers of Public Lodging and Eating Houses and Societies require for the consumption of their own Families ; wherefore, His Majesty's Fiscal, the Landdrost, or Resident, at the place where such Houses are, is hereby authorised to fix the quantity of Liquor deemed sufficient for their own use ; which, however, is not to be done, but with the knowledge and concurrence of the Farmer whom it concerns, on pain of being considered as Smugglers,

and being punished as such, according to the 14th Article of this Proclamation.

32. Whereas the Retailing of Wine and other Liquors, included in the Licences of the Farmers, and other Holders, is forbidden to all who are not in the possession of such Licences ; so in like manner it is forbidden to purchase Wine and Liquors in Retail, from any other but such as are Holders of said Licences, or Farmers (Pachters), under the Penalties expressed by the 14th Article of this Proclamation.

33. And in order to prevent, as much as possible, any evasion of the foregoing Regulation, no one shall be permitted to carry or cause to be carried, in the Streets, Wine and other Liquors comprised in the Licences, in less quantities than what is expressed by said Licences, on pain of a Fine of 100 Rds. unless the Person detected can shew that the Liquor found upon him comes from the Farmer, or other Licensed Seller, and that it has not been purchased in a forbidden mode, or obtained by improper means ; in case of inability to pay the Fine imposed, the Offender shall be subject to arbitrary Punishment.

34. No Licences obtained either by Farm or otherwise, for the Sale of Wine, Beer, and Spirituous Liquors, shall continue longer in force than for one Year ; but shall be renewed on the 1st Day of September in each Year, or on such other Day as the Government shall appoint.

35. The Confiscations and Fines directed by this Proclamation, are (in as far as no alteration has been made therein by these presents) to be shared in the customary manner.

36. The Resident at Simon's Town, and the Boards of Landdrost and Heemraden in the several Districts of the Colony, are authorised, with my approbation, or that of the Governor for the time being, to make such further Police Regulations respecting the Sale and Tap of Cape and Foreign Wines, Beer, and Spirituous Liquors, within their respective Districts, as they shall think necessary ; which Regulations having been approved by me, or the Governor for the time being, shall, in the usual manner, be promulgated in their respective Districts, and be considered of equal force as if included in this present Proclamation.

37. The following Proclamations and other Laws, in as far as they are unaltered by these Presents, or by the present Enact-

ment, are not cancelled, but remain in full force and effect, viz. :

- (a) The Proclamation of the 26th August, 1801, in as far as it relates to the Duties on Tonnage (*Vatgeld*), according to ancient Laws and Customs.
- (b) The Proclamation of the 29th August, 1804, respecting the Annual Farming of the Sale and Tap of Cape Wines and Brandy, &c.
- (c) The Instructions for the Wine Taster, of the 10th January, 1812, together with all such other Regulations as have any relation to the obligation on the part of the Inhabitants, not to export Wine from the Colony, without having been examined and approved by, or on behalf of, the Wine Taster.
- (d) The Proclamation of the 24th September, 1813, against the fraudulent use of Fustage condemned by the Wine Taster.
- (e) The Proclamation of the 27th February, 1818, against mixing Cape Wine with bad Foreign Wine, and the Exportation of such Foreign Wines.
- (f) The Proclamation of the 20th March, 1818, containing Regulations respecting the Measurement of Fustage in which Wine is kept here, the appointment of a Gauger, and the fixing of the Duty to be paid thereon.
- (g) And further, all such others relative to this subject, as by this present Proclamation have not been cancelled or abrogated.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 22nd day of August, 1821.

(Signed) R. S. DONKIN.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that the respective Farmers of the Retail of Foreign Wines, Foreign Brandies, and other Foreign Spirituous Liquors, as also Foreign Beers, would become subject to serious disappointment and loss, if, contrary to the spirit and meaning of the Proclamation of the 22nd August last, Wine Merchants and other Wholesale Dealers in Wines, or other Liquors, were allowed to dispose of their Foreign Wines, Foreign Brandies, and other Foreign Spirituous Liquors, as also Foreign Beers, to any of the Retailers of the aforesaid Farmers, without the concurrence and consent of the said Farmers, and thereby enable such Retailers to tap and retail the same, to the great injury and detriment of the exclusive Privilege granted to the Farmers aforesaid: I have thought it requisite to declare and make known, as I do hereby declare and make known, that at any place within this Colony, where the Tap and Retail of Foreign Wines, Foreign Brandies, and other Foreign Spirituous Liquors, as also Foreign Beers, have been, or may in future be, farmed out, it shall not be lawful, according to the spirit and meaning of the Proclamation of the 22nd August, 1821, for any Wine or other Merchants, save and except for the Farmer of such Foreign Wines, Foreign Brandies, and other Foreign Spirituous Liquors, as also Foreign Beers, to furnish the Farmer's (Pachter's) Retailers with any of the aforesaid Articles, either under pretence of being sold, or otherwise delivered to them, for their private use, or under any other pretext whatsoever. And in case any Wine or other Merchant, may hereafter be found to have acted contrary to the explanation and order contained in this my Proclamation, he will be made liable to the same Pains and Penalties as have been constituted by the Proclamation of the 22nd August, 1821, Articles 11th and 14th, against Wine Merchants and others, disposing of their Wines and other Liquors, contrary to the aforesaid Proclamation.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 22nd day of February, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has appeared to me, that the existing Regulations against the destruction of Game, and for the preservation of some particular Species of the same, do not wholly meet the laudable object, with which they have been established ; and whereas the rapidly-encreasing Population, renders it daily more necessary to guard against the total destruction of Game, in this Colony, in the most efficacious manner ;—I have thought proper to order and direct, and it is hereby ordered and directed, accordingly :—

1. That from and after the 1st July, until the 30th November, in each Year, both Days inclusive, all Persons whosoever, are strictly forbidden to shoot any Pheasant, Partridge, Korhaan, Wild Peacock, (Paauw,) Ostrich, Buck, (comprising the whole Antelope Species,) Hare, or Zebra, under a Penalty of Fifty Rixdollars, for each head of Game so killed during said period ; namely, from the 1st July to the 30th November, in every Year, both Days included, together with all the Costs and Expences attending the Prosecution ; or, in failure of payment thereof, one Month's Imprisonment in the Gaol of the District, in which such Offence shall have been committed, for every Fifty Rixdollars which the Transgressor shall be found to have forfeited, in proportion to the quantity of Game he may have killed.

2. From this Prohibition and Penalty, are, however, exempted, Farmers and other free Persons travelling through the Country, and shooting Game for their actual consumption on the road, provided it be on the other side of Hottentot's Holland Kloof, and at the other side of the Great Berg River, so that the Prohibition contained in the preceding Article, is to be in full force and rigour in the whole of the Cape District, and in the District of Stellenbosch, at this side of the Hottentot's Holland Mountains and the Great Berg River, under a like Penalty of Fifty Rixdollars, for each head of Game which shall be found to have been shot in the Cape or Stellenbosch Districts, respectively, within the limits herein specified, or beyond the same, if not actually shot on the road for the consumption of Farmers or other free Persons travelling through the Country ; or one Month's Imprisonment in case of failure of payment, in proportion of the pecuniary Penalty incurred. In no case, whatever, shall Game, so shot, be brought into Cape Town, or any of the Residencies of the Country Districts, under the Penalty hereafter prescribed in Article 14.

3. That no Person whoseover, shall, at any time, wilfully catch or destroy any Pheasant, Partridge, Korhaan, Wild Peacock, Ostrich, Buck, Hare, or Zebra, either by Net, Snare, Spring, or other Engine, under the same Penalty, as prescribed in the two foregoing Articles.

4. It is hereby especially enacted, that no Person shall, at any time, knowingly or willingly catch, take away, or destroy the Young or Eggs of any such Game, as aforesaid, under a Penalty of Fifty Rixdollars for every Offence, together with all the Costs and Expences attending the Prosecution ; or, in failure of payment thereof, one Month's Imprisonment in the Gaol of the District in which the Offence shall have been committed.

5. Exclusive of the period prescribed in the 1st Article ; that is to say, from the 1st December to the 30th June, in each Year, no Person whoseover shall be at liberty, anywhere, to shoot or kill any Pheasant, Partridge, Korhaan, Wild Peacock, Ostrich, Buck, Hare, or Zebra, either by Gun or Dog, unless he shall have previously obtained a Licence to that effect ; that is to say, all Persons residing in Cape Town, Cape District, and the Residency of Simon's Town, from the Colonial Office ; and all other Persons from the respective Landdrosts, on a Stamp of Five Rix-

dollars, which Licence will be in force only for one Season, viz. : From the 1st December to the 30th June, in each Year, both days inclusive : any Person shooting, killing, or destroying Game, without such Licence, shall forfeit the Penalty prescribed in Article 1.

6. No Holder of such Licence, however, shall be at liberty to shoot or kill any Elephant, Sea-Cow (Hippopotamus), Bontebuck, without having obtained a Special Permission to that effect, from the Governor for the time being, under a Penalty of Five Hundred Rixdollars for each Offence ; or, in failure of payment thereof, six Months' Imprisonment in the Gaol of the District in which the Offence shall have been committed.

7. That no Person or Persons whosoever, shall, under warrant of any Licence, or other authority, pursue or kill any Game in or upon any Lands, the property of, or lawfully occupied by, any Individual in the Colony, without the express permission of the Proprietor or Occupier thereof, under a Penalty of Twenty-five Rixdollars for the first Transgression ; and of One Hundred Rixdollars on repetition of the Offence after the first warning, over and above the payment of Damages, if such be proved, recoverable by ordinary prosecution at Law ; provided always, that due notice and warning shall have been given not to trespass in the pursuit of Game, on the Lands of the said Proprietor or Occupier.

8. That it shall, at any time, be lawful for any Proprietor or Occupier of Land, which shall have been brought into cultivation, to kill, destroy, and drive forth, from and out of such Land, being in a state of cultivation, all and every species of Game which shall have entered or harboured, to the loss, annoyance, and injury of the Proprietor or Occupier ; provided always, that it shall not be lawful to pursue or destroy such Game, out of, or beyond, the limits of the Land so cultivated.

9. As the respective Holders of the Leases of Government Places, situated at Groenekloof, are expressly forbidden, by the Conditions of the Leases, either to shoot, catch, kill, or otherwise destroy, any Game within the Limits of their respective Places, or allow others so to do ; such prohibition is hereby converted into a permanent Law ; and, that all Game found on those Places being more especially considered as Public Property, neither the respective Holders of such Leases, nor any other

Person or Persons whosoever, whether provided with a Licence or not, shall be at liberty, at any time, there to shoot or kill any Game specified in this Proclamation (saving and except the liberty granted by Article 8), under a Penalty of Fifty Rixdollars for each head of Game so shot or killed ; and, on failure of payment thereof, one Month's Imprisonment in the Town Gaol, for every such Fifty Rixdollars so forfeited, and not paid.

10. That any Herdsman, Shepherd, or other Person, having the charge of, or attending Cattle, who shall be found in the Fields, carrying a Gun, loaded with shot of a smaller size than those which are commonly known and called by the name of *Loopers*, or who shall be found in the Fields with any Shot of a smaller size in his custody or possession, shall forfeit such Gun ; and his Master, or Employer, moreover, be fined in the sum of Twenty Rixdollars, together with all Costs and Expences attending the Prosecution, in case of conviction ; or in failure of payment thereof, one Month's Imprisonment in the Gaol of the District in which the Offence shall have been committed.

11. That no Slave shall, at any time, be permitted to shoot or destroy Game, on pain of forfeiture of the Gun, or other Engine, and a further punishment of one Month's Imprisonment ; the Costs and other Expences attending the Prosecution, to be paid by the Master, on conviction.

12. And whereas, many Persons hire, or employ Hottentots, or other free Persons, to shoot for them, in the capacity of Gamekeepers, or for the pretended purpose of supplying their Tables with Game ; be it hereby further ordered and declared, that such Hottentot, or other free Person, shall not be allowed to shoot upon any other Lands than what are *bona fide* possessed by his Master or Employer, unless he be provided with a written Permission, from the Proprietor or Occupier of such Land, not belonging to his Master or Employer, as he may wish to shoot upon, under a Penalty of One Hundred Rixdollars ; such Fine to be recovered of his said Master or Employer, together with all Costs and Expences attending the Prosecution, on such Hottentot or free Person being convicted of the Offence.

13. That as the employing of the Sabbath Day, for the amusement of shooting, is a most immoral and profligate practice, it is therefore hereby most strictly forbidden, to shoot or kill any kind

of Game, at any season of the Year, on a Sunday ; and every Person, without exception, hereafter convicted of offending herein, shall be fined in a Penalty of One Hundred Rixdollars, for the first offence ; and Three Hundred Rixdollars for each repetition, after a first conviction.

14. That no live Game shall, at any time, nor dead Game, between the 1st July and the 30th November of each Year, both Days included, be suffered to pass by, or be carried through, the Toll or Barrier Gates, without a special Permission from the Governor, for the time being, under a Penalty of Fifty Rixdollars, to be recovered of the Person, in whose custody or possession such Game shall be found, together with all Costs and Expences attending the Prosecution to Conviction, or six Months' Imprisonment, in failure of payment thereof.

15. All transgressions against this Proclamation shall be respectively prosecuted before the Sitting Commissioner, from the Worshipful Court of Justice, or the Landdrost and commissioned Heemraden of the District in which the offence shall have been committed, by the competent Officer of such District ; and the sentence given in such case shall be subject to re-hearing and appeal, provided the Defendant, should *he* feel himself aggrieved thereby, previously complies with the sentence in the first instance, and that such compliance, as well as the deposit of the Penalty, for a frivolous re-hearing or appeal having been made, shall appear to the Court above.

16. All Prosecutions resulting from a contravention of this Proclamation, shall be carried on summarily,—and the Judge, should he, in this particular case, feel himself otherwise sufficiently instructed to pass a sentence of condemnation, shall not be bound to the necessity of requiring the oath of two consonant Witnesses ; a groundless plea, though eagerly resorted to, in cases where the offence has been committed, without being witnessed by a plurality of impartial Persons.

17. All contraventions of this Proclamation shall be prosecuted by the competent Officer, within three Months from the time the Offence shall have been committed ; after the expiration of which period, all right of prosecution shall cease.

18. And in order, as much as possible, to encourage the Preservation of Game, the following Rewards shall be given to all

such Persons as destroy Vermin, or other noxious Animals, viz. :

								<i>Rds.</i>	<i>shs.</i>
For every	Tiger	.	.	.	.	.	.	25	0
"	"	Wild Dog	.	.	.	.	.	5	0
"	"	Wild Cat	.	.	.	.	.	1	0
"	"	Mousehound	.	.	.	.	.	0	4
"	"	Hawk	.	.	.	.	.	0	4

These Sums shall be paid out of the Treasuries of the respective Districts in which the Vermin or noxious Animals shall have been killed, on a certificate from the Fieldcornet, or Wardmaster of the District :—" That the Head of such Animal has been produced to him," —which certificate must be applied for, and obtained, within eight days after the Animal, for which the reward is promised, has been destroyed.

19. The half of all Fines, recovered in consequence of contravention of this Proclamation, shall be paid to the Informer, and the other half to the Treasury of the District in which the Offence shall have been committed, in order to defray the Rewards for the Destruction of Vermin, and other noxious Animals, as mentioned in the foregoing Article.

20. From the Limitations contained in this Proclamation, Hunting with Hounds is exempted, which, as in nowise tending to the Destruction of Game, is to be allowed, on the same footing as heretofore, provided it be conducted by Hunting Clubs, established under the Sanction of His Excellency the Governor for the time being.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 21st day of March, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by a Proclamation, bearing date the 24th Day of June, 1814, it was provided, that the Factors, Agents, Super-cargoes, or others interested in any Ships, or Vessels, coming to the Ports of Cape Town, or Simon's Town, from the *Eastward*, (for the purpose of Trade, or Traffick, with the Colony,) with any Goods, Wares, or Merchandize, which might legally be re-exported, should be permitted to enter the same at the Custom House, and to lodge such Goods, Wares, and Merchandize in the Warehouses thereof, (at their own risk,) under the immediate charge of the Collector and Comptroller of His Majesty's Customs, and be permitted to re-export the same, *duty free*, paying only the usual Rates for Wharfage and Warehouse, the Expence of Permits, and such other incidental Expences as are customary and necessary, as is therein further expressed; and whereas, by an Order of His Most Gracious Majesty in Council, bearing date 12th July, 1820, certain Privileges were conceded to British Ships, or Vessels, arriving in the Ports of this Settlement, from any Country in amity with His Majesty, laden with any Articles of the growth, production, or manufacture of such Country, (certain Articles therein detailed excepted,) and to Foreign Ships or Vessels belonging to the Subjects of any State in amity with His Majesty, which Foreign State shall allow British Vessels to carry on Trade between the Ports of that State and the Settlement of the Cape of Good Hope.

And whereas the beneficial effects of the aforesaid Regulation of the 24th June, 1814, have been universally felt and acknowledged, I do now hereby deem it expedient to extend the same to *all Goods, Wares, and Merchandize*, legally imported into this Colony, from Foreign Countries, under the Provisions of the Order in Council of the 12th July, 1820, which Foreign Goods, Wares, and Merchandize, so imported, shall henceforward be admitted to entry at the Custom Houses of Cape Town and Simon's Town, and be allowed to be lodged, for the term of 18 Calendar Months, in the Warehouses of His Majesty's Customs, (at the risk of the Importer,) under the immediate

charge of the Collector and Comptroller thereof, and shall be permitted to be re-exported from the said Warehouses, *duty free*, subject only to the Term and Charges, as before expressed, relative to Goods, Wares, and Merchandize, arriving here from the *Eastward*,—provided, nevertheless, that it be an absolute and indispensable condition, that two-thirds of the Amount of such Foreign Articles, sold in Bond, shall be vested in Colonial Produce, (Merchandize legally imported, or bonded as above) for Exportation from the Colony. But at the expiration of the 18 Calendar Months, aforesaid, (unless under peculiar circumstances,) such proportion of the Goods, Wares, and Merchandize as shall not have been re-exported, but shall remain in the Stores of His Majesty's Customs, shall be charged with the usual Colonial Duties on Foreign Imports, and the Owners or Persons interested therein shall be called upon forthwith to remove the same, paying the charges due thereon, in default whereof, His Majesty's Collector, or the Chief Officer of His Majesty's Custom Department, shall put such Goods, Wares, and Merchandize, up to Public Sale, on account of those interested therein, and account to them for the Proceeds thereof, deducting the aforesaid customary Duties and Expenses.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th day of April, 1822.

(Signed) C. H. SOMERSET.

By Command of His Excellency the Governor,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that it will greatly facilitate the Collection of the Revenue, and at the same time reduce the Expenditure of Legal Proceedings, when it may be found

necessary to have recourse to such, if the Courts of Landdrost and Heemraden be empowered to take cognizance of such Cases of Arrears of Land Rent, or other Branches of Revenue, as may amount to, or exceed the Sum of, Three Hundred Rixdollars,—to the cognizance of Sums of that amount, the Courts aforesaid being at present restricted :—Be it therefore hereby made known and ordered, by Virtue of the Power in me vested, that it shall and may be lawful from henceforward, for the aforesaid Courts of Landdrost and Heemraden, to hear and determine all Cases arising from Arrears of Land Rent, or other Branches of Colonial Revenue, in their respective Districts, although the amount of the Sums claimed shall exceed the aforesaid Sum of Three Hundred Rixdollars.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of July, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas various Notes, Bills of Exchange, and Drafts, for Money, for very small Sums, under the appellation of "*Good fors*," have been for some time circulated or negotiated in the Frontier Districts of this Settlement, and elsewhere, to the great prejudice of Trade and Public Credit ; I have, therefore, thought proper, after full consideration, to declare and order, by Virtue of the Authority in me vested, that all Promissory or other Notes, Bills of Exchange, Drafts, or Undertakings in Writing, being negotiable or transferable, for the payment of any Sum or Sums of Money less than the Sum of *Fifty* Rixdollars,

in the whole, which shall or may be isused, at any time from and after the 15th Day of September next, 1822, shall be, and the same are hereby declared to be, absolutely void and of no effect,—any usage or custom to the contrary notwithstanding.

And I hereby further order and direct, that if any Person or Persons shall, at any time or times, from and after the aforesaid 15th Day of September next, 1822, by any act, device, or means whatsoever, publish or utter any such Notes, Bills, Drafts, or Engagements as aforesaid, for a less Sum than Fifty Rixdollars, or on which less than the Sum of Fifty Rixdollars shall be due, and which shall be in anywise negotiable, or shall negotiate the same, every such Person shall forfeit and pay for every such offence, any Sum not exceeding One Hundred and Fifty Rixdollars, nor less than Fifty Rixdollars, to be sued for before the Courts of Landdrost and Heemraden of the District in which the Offence is committed, and the amount recovered to be distributed in the manner usual in Cases of Fines.

And whereas it has been made known to me, that the issue of the Notes, Bills, Drafts, or Undertakings aforesaid, has been attempted to be excused by a supposed want of small Currency in the distant Districts ; I have, therefore, taken measures for the supply of the Frontier with an adequate proportion of small Currency ; and I have empowered the Landdrost of the Albany District, to exchange any Notes of the Colonial Treasury, of Ten Rixdollars, or upwards, into small Currency, in order that no plea whatever may exist, for a continuance of the prejudicial Practices which it is the object of this Regulation to check and annihilate.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 22nd day of August, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Local Authorities in the Albany District have represented to me, the necessity of levying a Toll at the Bridge recently erected at the Northern extremity of Graham's Town, being the principal Entrance to the Town, from Algoa Bay, Uitenhage, and Graaff-Reinet, in order to defray the Expenses thereof ;—I do, therefore, by virtue of the Power and Authority in me vested, hereby empower and direct the Board of Landdrost and Heemraden of the aforesaid District to cause a Toll-Bar to be erected at the aforesaid Bridge, and to levy from every Waggon or Cart passing the same, whether loaded or empty, the Sum of Four Skillings, provided the same be not charged more than once in 24 Hours to the same Waggon or Cart,—hereby fully explaining, that all Persons, Civil or Military, shall be liable to this Charge, without any exception whatever.

And it having been further represented to me, by the Authorities aforesaid, that it is necessary to provide for the expence of the Water Courses, which convey Water to the respective Erven in Graham's Town,—I do, therefore, hereby authorise and empower the aforesaid Board of Landdrost and Heemraden, to levy, as now, the Sum of One Rixdollar per Month from each of the original Thirty-three Erven of the Main Street, in Graham's Town, which Erven are entitled, according to the Terms of the Grants thereof, to two hours' Water, for irrigation, in each Week ;—and to levy from every other Erf, which is or shall be granted, for the extension of the Town, the Sum of Four Skillings each per month,—it being clearly understood, that the said Erven, which were granted as "Dry Erven," are not, and will not be entitled to any Water for the purpose of irrigation ; and, that any attempt to divert the Water reserved and appropriated to domestic purposes, will render the Person convicted thereof, liable to such Penalty and Punishment as the Boards of Landdrost and Heemraden are authorised to inflict, in cases of similar infringements upon District Regulations.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 13th day of September, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has appeared to me to be expedient, to encourage the industrious classes of His Majesty's Subjects, in effecting small Savings, by giving efficient protection to the same, and by enabling the Poorer Classes to draw an adequate Interest for such small Sums as they may be able to set aside, as Provision for their Old Age, and for the Benefit of their Families ; and whereas the state of the Community, in this Colony, not being at present calculated for the Establishment of those valuable and provident Institutions, termed " Saving Banks," whereby the industrious Associations can manage their own concerns, so as to derive the greatest advantage from the accumulation of the Interest of their small Deposits, I have thought proper to authorise and direct the President and Directors of the Lombard and Discount Banks, to give the assistance necessary for enabling the Industrious to obtain Interest for their small Savings, under the following Regulations and Instructions :—

A Branch shall be opened in the Discount Bank, under the direction of the President and Directors, assisted by the Chief Justice, the Commandant of the Garrison, and the Colonial and Military Chaplains, for the purpose of receiving *small Savings*, and placing them on account of the Depositor, at Interest. Deposits of 12½ Rds. will be received, and two Deposits to that amount, and every Deposit of 25 Rds. will be entitled to Interest, at the rate of 1 per Cent. per Quarter, from the Day on

which such amount of 25 Rds. shall be deposited. All Deposits must be made at the Bank on the 1st and 15th Days of every Month, between the hours of ten and two ; and should either of those Days fall on a Sunday or Holiday, the Deposits shall be made on the following Day. The Interest on the Savings shall be paid Quarterly—that is, 1 per Cent. on each Deposit of 25 Rds. for three Months. On the Day of drawing the Interest due, the Depositor shall have a right to draw out the Capital, or any part thereof that he may want, provided it be an even Sum of 25 Rds. as a broken Sum will not be entitled to Interest. The Directors shall appoint one of the Clerks now in the Office, to keep the Books necessary for the due transaction of this Branch ; and one Day in each Week shall be fixed for the Inspection of the Accounts and Books, by the Directors and Honorary Directors. The Clerk will receive Instructions from the Bank, as to the manner in which he is to hand over the Deposits to the Bank Cashier, for the purpose of being placed at Interest, and on all such Points of Detail as will be necessary for carrying this Measure into effect with due accuracy.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 11th day of October, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, by the Chief Justice, and Members of the Worshipful the Court of Justice, that in the Summonses issued for the appearance of Parties, residing in the Country Districts, in Court, sufficient time is not allowed

for their punctual arrival in Town, so that the most trifling accident, or circumstance, may prevent their appearing in Court, on the Day appointed, to their great detriment :—And, whereas it is expedient to provide for this inconvenience, by prescribing a more enlarged term for such appearances, in proportion to the distances of the Residences of the Inhabitants from Cape Town ;—I do, therefore, hereby order and direct, by Virtue of the Authority in me vested, that, henceforward, a term of not less than Eight Days, from the actual service of the Summons, to the Day of the required appearance, shall be allowed to the Inhabitants of the Stellenbosch District, and to those of the Cape District, situated at a further distance than 25 Miles from Cape Town ; Fourteen Days, to the Inhabitants of the Districts of Swellendam and Tulbagh ; Four Weeks, to those of Clan William and George ; and Six Weeks, to those of Uitenhage, Albany, Graaff-Reinet, Cradock, and Beaufort ;—on pain of the Summons being annulled, and expunged from the Roll of Court, at the expence of the Plaintiff's Attorney,—should the Defendant not appear, in case he be summoned at shorter Notice than the aforesaid prescribed terms ;—or, appearing, object thereto.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th day of October, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has clearly appeared to me, upon the maturest consideration, that the Regulations under which the Baking Business in Cape Town and Simon's Town is controlled, have

proved completely inefficient for securing to the Public good Bread, of the several qualities allowed to be vended, at the lowest Prices which the state of the Markets might have afforded ; and it is therefore expedient to alter the present system, by throwing open the Baking Trade, subjecting it to the following Regulations only, viz :

1st. Any Person, being a Burgher of this Colony, or having the Privileges of Burgher, wishing to carry on the Baking Business in Cape Town, shall take out an Annual Licence, to that effect, as usual, at the Office of the Colonial Secretary—such Licence to commence at the period of its signature, and to terminate at the expiration of the Year, or at any antecedent period the Holder shall think proper.

2nd. Each Baker shall give Notice at the Offices of the Fiscal and Burgher Senate, where his Bakery is situated ; and he shall be bound to affix a Board, with his Name thereon, over the Door of his Shop.

3rd. Each Baker shall bake Bread of three qualities only, viz :

Fine Bread, made of the purest Flour,
Bread made of Meal, from which the Bran only has been
extracted,
Brown Bread, made of unsifted Meal, as it comes from
the Miller,

which Bread, until further order, shall be sold by the Loot. The Loaves shall be marked with the Baker's initials.

4th. Each Baker shall fix the Price, weekly, at which he will sell Bread and Flour during the following week ; and these Prices shall be sent to the Burgher Senate every Thursday, by 10 o'clock in the Forenoon, in order to enable the Burgher Senate to issue timely Notice to the Public, through the medium of the Gazette, of the Price at which Bread and Flour may be obtained during the following Week—so that each Person may know where he can procure Bread at the cheapest Rate.

5th. His Majesty's Fiscal, as well as the Burgher Senate, or any Commissioned Member thereof, shall have the right of visiting the Bakers' Shops, when they think proper, in order to ascertain that the quality and weight of the Bread are, in each respect, conformable to the Regulations ;—and if any Baker be detected with Bread in his possession of a bad quality, that is,

not conformable to that allowed to be prepared by the 3rd Article of these Regulations, such Baker shall be liable to be fined in a Penalty not exceeding 100 Rds. for a first Offence,—and not less than 100 Rds. nor exceeding 200 Rds. for any subsequent Offence ;—and if any Baker be detected with Loaves deficient in the Weight which they ought to have, such Baker shall be liable, on conviction, to be fined in a Sum not exceeding 150 Rds. for a first Offence,—and not less than 150 Rds. nor exceeding 300 Rds. for a second Offence,—and for any subsequent Offence, he shall be liable to a Fine of 500 Rds.

6th. Licensed Bakers only shall be allowed to sell Bread or Sea Biscuit, under a Penalty of 500 Rds. ;—neither shall any other Persons sell Flour made of Cape Wheat, in a less quantity than 200lbs. without becoming liable to a like Penalty of 500 Rds.

7th. The aforesaid Regulation is not applicable to such Persons as shall contract for the Supply of the Army or Navy, in so far as such Contracts are concerned.

8th. All Bakers shall be bound to conform to such Regulations as the Burgher Senate have issued, or shall issue, respecting the Colonial Granary, the importance of supporting which, of keeping an adequate quantity of Grain therein, and of adopting measures for the regular change of the Corn stored, are too obvious to require further Notice.

9th. All Fines incurred by the contravention of the aforesaid Regulations, shall be sued for and recovered in the usual manner.

10th. It is to be generally understood, that Persons or Families purchasing Bread or Flour, should pay *Ready Money* for the same ; but as it may suit the convenience of the Bakers and Families rather to settle their Accounts together weekly or monthly, no restraint is intended to be put upon such mutual accommodation ; but it is hereby made known, that should any Baker give a longer Credit than two Months, it must be entirely at his own risk, as such Debt will not henceforward be recoverable in any of the Courts of this Colony,—of which the Worshipful the Court of Justice, and the Courts of Landdrost and Heemraden are to take due Notice.

11th. These Regulations are to take effect and be in force from the 1st of January next, 1823.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of December, 1822.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given to such Settlers, or others, who have obtained Colonial Passes to enable them to leave the District in which they were located, and to take up their abode in any other part of this Settlement, that by the ancient Customs and Regulations of the Colony, they are bound, previous to quitting the District in which they have had their domicile, to obtain from the Magistrate of such District, a Certificate of there being no District Claims against them, and to produce such Certificate for Registry not only to the Landdrost of the District into which they remove, but to the Fieldcornet of the Subdivision in which they shall settle, on pain of being fined in a Penalty of 150 Rixdollars. It is therefore incumbent on all Persons whom this may concern, to pay strict attention to this Regulation ; as failing therein, they render themselves liable to be taken up, and put to considerable trouble and inconvenience.

Cape of Good Hope, 31st January, 1823.

By Command of His Excellency the Governor,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that the Reward of 25 Rixdollars per head, ordered by my Proclamation of the 21st March, 1822, to be given for the destruction of Tigers, bears with too great weight upon the Treasuries of the Frontier Districts, in which those animals are still in considerable numbers ; —I do, therefore, hereby recall the same, in as far as regards the Frontier Districts of Graaff-Reinet, Uitenhage, and Albany, in which, from henceforward, a Reward of 10 Rixdollars, only, shall be paid to such persons as shall kill any male or female Tiger, of which all concerned are to take due Notice.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 4th day of April, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by the 16th Article of the Instructions of the Orphan Chamber, it is directed,—“ That all Wills, previous to being acted upon, shall be produced to the Orphan Board, for enregistration in their Office.” And whereas, it has been represented to me, that much negligence prevails in this important part of Civil Administration, and that Executors or Administrators to Estates not unfrequently act upon such Wills without enregistration ; or, that having deposited the Will for registry, it is there left, without either being called for, or the Fees of enregistration being settled, as the Law directs, so that there are, at this moment, 424 Wills lying at the Orphan Chamber unclaimed, upon which the Executors or Administrators must

have acted, without having received any Certificate of Registry or without having paid the Dues thereon, as directed in these Cases.

And whereas it is of the greatest importance that these irregularities should be put a stop to, and that every aid should be given to the punctual enregisterment of the Wills or Codicils of the Inhabitants of this Colony ;—I do, therefore, hereby order and direct, that, in future, any Administrator or Executor who shall act upon any Will, Testament, or Codicil of Persons dying within the Jurisdiction of this Government, without being provided with a Certificate from the Board of Orphan Masters of the said Will, Testament, or Codicil having been duly registered in their Office, shall forfeit one half the Salary due to him for the administration of the Estate in which he shall so act ; and in such cases in which the half Salary shall not amount to the sum of 50 Rixdollars, or that the Executor or Administrator shall disclaim receiving the Salary allowed by Law for these services, then such Executor or Administrator, acting in contravention of this Regulation, shall be liable to a Fine of 50 Rixdollars, to be sued for and recovered in the manner usual in cases of Fine, and the amount, when so recovered, shall be paid to the Trustees of the Orphan House, to be appropriated to the Instruction of the Orphans maintained in that benevolent Establishment.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 4th day of April, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the ordinary process in cases of Infringement of the Rights and Privileges of the Wine Farmers, (Pachters,) has been

found insufficient for its immediate protection against unlawful and contraband interference,—it is hereby enacted, in order to obviate the injury which results to the above Farmers, by the mode of proceeding established by the Crown Trial, that henceforward, every condemnation by one Commissioner of the Court of Justice, or of the Board of Landdrost and Heemraden, (as the case may be,) in the Fines imposed by the aforesaid Crown Trial, not exceeding 300 Rds. or to an adequate Imprisonment, in case of inability to meet the Fine, shall be subject to the *parata executio*, notwithstanding the rehearing allowed by 131st Article of the Crown Trial ; and the respective Secretaries of the Court of Justice, or Courts of Landdrost and Heemraden, are hereby directed, on the day of passing the Sentence, to transmit, (unless the Fine be paid before the rising of the Court), a copy of the same to the Sequestrator, or other Officer, appointed to carry Sentences into execution, in order that the same may be immediately put in force ; and no Person condemned to pay a Fine, under the provisions of the Proclamation of the 22nd August, 1821, shall be admitted to a rehearing, before the Full Court of Justice, or the Full Board of Landdrost and Heemraden, until proof has been produced from the proper Officer, that the Fines, together with the Costs of Suit, have been duly paid by the offending Party, which Fines and Costs of Suit so paid by the offending Party, shall, in case of rehearing, be deposited in the Bank, or (in the Country Districts,) in the hands of the Person acting as Sequestrator, until the final determination of the case.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 11th day of April, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the ordinary process in cases of Infringement of the Rights and Privileges of the Wine Farmers, (Pachters) has been found insufficient for its immediate protection against unlawful and contraband interference,—it is hereby enacted, in order to obviate the injury which results to the above Farmers, by the mode of proceeding established by the Crown Trial :

1st. That henceforward, every condemnation by one Commissioner of the Court of Justice, or of the Landdrost and Commissioned Heemraden, (as the case may be) in the Fines imposed by the Proclamation of the 22nd August, 1821, not exceeding 300 Rds. or to an adequate Imprisonment, in case of inability to meet the Fine, shall be subject to the *parata executio*, notwithstanding the rehearing allowed by 131st Article of the Crown Trial ; and the respective Secretaries of the Court of Justice, or Courts of Landdrost and Heemraden, are hereby directed, on the day of passing the Sentence, to transmit (unless the Fine be paid before the rising of the Court) a copy of the same to the Sequestrator, or other Officer, appointed to carry Sentences into execution, in order that the same may be immediately put in force : and no Person condemned to pay a Fine, under the provisions of the aforesaid Proclamation, shall be admitted to a rehearing before the Full Court of Justice, or the Full Board of Landdrost and Heemraden, until proof has been produced from the proper Officer, that the Fines, together with the Costs of Suit, have been duly paid by the offending Party, which Fines and Costs of Suit so paid by the offending Party, shall, in case of rehearing, be deposited in the Bank, or (in the Country Districts) in the hands of the Person acting as Sequestrator, until the final determination of the case.

2nd. The Wine-Growers whose Estates are situated within the limits of any of the Wine or Brandy Farms, shall not be allowed to retail their Wines or Brandy, on their respective Estates, by way of barter, or in any other manner whatsoever, on the same penalty as has been established in the 4th Section of the aforesaid Proclamation of the 22nd August, 1821.

3rd. The Keepers of all Houses, Inns, Stores, and other places, in which Wine, Beer, and Spirits are retailed, are prohibited from opening the same before sun-rise in the morning, or from letting the same remain open after nine o'clock in the evening ; or on Sundays and Church Days, from nine o'clock *a.m.* until one o'clock *p.m.* ; and from three o'clock *p.m.* until five o'clock *p.m.* ; or from allowing any Soldier or Sailor, or any Slave, Apprentice, male or female Hottentot, or other Native of this Colony, or Free Black, to remain in their houses, or other places of retail, during such prohibited times. Persons acting contrary to this prohibition, shall be liable to a Fine of Fifty Rixdollars for each offence ; independent of such other pains and penalties as have been imposed on the illicitly harbouring or concealing any of the above-named Persons, by the existing Laws and Regulations of this Colony, and more especially the 28th Article of the Proclamation of the 22nd August, 1821.

4th. It shall be lawful for His Majesty's Fiscal, and for the Landdrosts in their respective Districts, upon an affidavit duly signed and sworn to before them, by one or more credible Inhabitants, to order Houses, Rooms, inclosed Yards, or other places stated or suspected to be kept for disorderly or illicit purposes, to be entered and searched, and the Keeper and Keepers thereof, and every Person found therein, to be taken into custody, without any previous Warrants from the Governor, or the Chief Justice and Members of the Court of Justice, being thereto required.

5th. In order that the Law respecting the infliction of the Penalties imposed on Offences against the Proclamation of the 22nd August, 1821, may not be misunderstood, it is hereby declared, that the Persons offending against any of the Orders and Regulations contained in the Proclamation of the 22nd August, 1821, shall for each transgression of which they may be found guilty, (however short may be the interval between the first and subsequent transgressions, and whether the repeated transgressions be of the same, or of a different description) be liable to the Fines and Penalties thereby imposed. Should, however, no Judicial Proceedings and Condemnation have intervened, the gradation observed between the lesser punishment of the first, and the more severe

punishment of the second and third Offences, shall not take place.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 25th day of April, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it appears to have been hitherto customary and legal to mortgage Slaves, by private as well as public Bonds, which private Bonds not being brought on the General Debt Registry of the Colony, difficulties have arisen as to whether such private Bonds should be allowed to be entered on the Registers of the Inspector of Slave Enregisterment, under the instruction in the 9th Article of the Proclamation of the 30th of January, 1818 ; and whereas it appears to be expedient, that all private transactions with respect to Slave Property, should be put an end to, and therefore, that the Mortgages of Slaves by private Bonds, shall henceforward be considered to be null and inadmissible to Registry in the Office, or Offices, of the Inspector of Slave Enregisterment. But inasmuch as delays might occur in the execution of Notarial Bonds in the Country Districts, in consequence of the occasional absences of the Secretaries, who are *ex officio* Notaries therein, I have thought proper hereby to authorise Bonds of the aforesaid effect, to be passed and executed before Commissioned Heemraden in each District, assisted by the first Clerk in the Office of the Secretary of the District, who shall be duly sworn for the purpose ; and the Commissioned Heemraden aforesaid shall certify the passing of

the said Bond or Bonds before them, by their respective Signatures, with the date of the signing thereof, and such Bonds shall be thereafter registered in the respective Offices of Slave Registry in the Country Districts, as is directed in the aforesaid 9th Article of the Proclamation of the 30th day of January, 1818, and in other respects have all the value and force now attached and given to Notarial Bonds.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 9th day of May, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has appeared to me to be expedient and useful, that the Powers of the Petty Court, and of the Courts of Landdrost and Heemraden, and of Deputy Landdrost and Heemraden in the Country Districts, should be enlarged, inasmuch as concerns the administration of Oaths by the aforesaid Courts respectively, which it appears are now confined to taking evidence on Oath, in cases subject to their cognizance,—I do, therefore, by virtue of the Authority vested in me by His Majesty, hereby give and grant full Power and Authority to the Petty Court in Cape Town, and to the several Courts of Landdrost and Heemraden, or of Deputy Landdrost and Heemraden, in the Country Districts, to administer all and singular such Oath or Oaths as may be requisite in the furtherance of their respective Sentences, or to take and receive all and singular such Oath and Oaths, in writing, as any Person or Persons shall be willing and desirous to take before them.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 9th day of May, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY THE RIGHT HON. GENERAL LORD CHARLES HENRY SOMERSET, &c., &c.

Whereas the term for which the Prize Negro Apprentices were indentured in the year 1809, has now expired, as was notified by the Government Advertisement of the 25th of April last ; and whereas it is expedient, that provision should be made for the support, protection, and religious instruction of such Children as have been born during the period of servitude of the said Negresses, their Parents, the several Acts of Parliament, and Orders of Council grounded thereon, not having provided in the Premises ; and whereas the Masters or Mistresses of the aforesaid Apprentices have incurred considerable expence and loss of labour, in those instances in which the female Apprentices have been in a state of pregnancy, and during the infancy of the Children born of them ; and whereas it is manifest, that it is not in the power of the said Females to maintain themselves, and provide sufficient means for the support and proper instruction of their Offspring, to prevent their becoming burthensome to the Colony ; and whereas the Laws of this Settlement, relative to the free Hottentot Population, promulgated on the 22nd April, 1812, and 18th July, 1819, declare it to be the duty of the Local Authorities, to cause all Hottentot Children, deprived of their Mothers, to be immediately indentured to humane Masters or Mistresses, until they have attained their 18th year, and all others of an age therein described, to be also indentured until the same period ;—I, therefore, as far as the case admits, in conformity with Laws so wisely established

for the support and protection of free unprotected native Children, do hereby order and direct, that (until His Majesty's pleasure shall be made known) all Children of the said Female Prize Negroes, above the age of 5 years, born during the Apprenticeship of their Mothers, shall, by contract before the competent Authority, be placed until they shall have attained their 18th year of age, under the charge and care of the Masters or Mistresses to whom the Mother was last engaged ; excepting in such cases wherein the Mother can shew just cause of objection to such Master or Mistress : and the said Masters or Mistresses of Children so placed under contract, (residing in Cape Town, or any other Town or Village, or the immediate vicinity thereof, where a Free School is or may be established,) shall be bound, under forfeiture of the said contract, and under a penalty not exceeding 100 Rixdollars, to cause the said Children, during the time of their Apprenticeship, to attend such Free School, until they shall have attained their 10th year, for at least three hours in every week, during the School hours, and to attend at Church at the time of Divine Service on Sundays, except in cases of sickness or other reasonable cause of absence : and in such cases, wherein Masters or Mistresses aforesaid shall decline to receive by contract the aforesaid Children, who shall have attained the age of 5 years, the Magistrate of the District in which such Children are, shall notify the same to me forthwith, through the usual channel, and shall cause the said Children to be carefully sent to the Government Lodge, in Cape Town, where directions will be given for their support, protection, and instruction, with the other Children there educated, until such time as each Child is fit to be placed to some trade or useful occupation, as the case shall require,—directions for which will be then given.

And whereas it is necessary to provide for such cases, in which the Infants shall not have attained their 5th year, previous to which it is not considered advisable that they shall be separated from their Mothers ; it is therefore hereby directed, that such Persons as shall think proper to take into their service any Female Negro, late of the class of Apprentices herein referred to, who shall have an Infant or Infants under the age of 5 years, such Person shall be bound to admit the Infants also, and to find the same in decent Clothing, wholesome Food, and

Lodging,—all which shall be provided for, and directed in the contract of hire, which the Parties respectively have to enter into before and with the concurrence of the Local Magistrate, whose duty it will be to see to the due execution hereof : And in the event of any Female Negro, with an Infant or Infants under the age of 5 years, not obtaining service, in such case the Local Magistrate shall send the Mother and Infant or Infants to the Government Lodge, where they will be provided for, as the case may require, until such time as a proper service shall be obtained for the Female aforesaid.

And whereas it has been reported to me, that some of the aforesaid Female Negroes having Children as above described, have already entered into fresh engagements ; it is therefore hereby made known, that such engagements shall stand good, notwithstanding any thing herein directed, provided it shall appear, that due provision has been made therein for the care and safety of their Infants, which the Local Magistrate shall also consider it to be his immediate duty to inform himself of and enforce : and it is hereby further ordered and directed, that no Master or Mistress with whom the female Negroes shall enter into contract of service, shall throw any unjustifiable impediment in the way of such female Negro entering into the state of Wedlock, if circumstances shall admit thereof, on pain of forfeiting his claim to the remaining term of such Female service.

And it is hereby further declared and ordered, that in the case of any future birth during the services of female Negroes of this class, the Infants shall be subject to the Regulations established by the several Proclamations of the 22nd April, 1812, and 18th July, 1819 ; and moreover to the Provisions of this Proclamation, in such cases as shall not have been provided for in the former.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of May, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, by the principal Breeders of Horses in this Colony, that the practice of permitting entire Horses to run loose, is frequently of the greatest injury to their respective Studs, and soliciting my interference therein ; and whereas it appears to me to be reasonable and just, that Persons who embark a considerable Capital in this important Branch of Farming should be protected from the consequences which the negligence of their Neighbours, or others, may in these respects occasion,—I do therefore order and direct, that no *entire* Horse, exceeding two years of age, shall in future be turned out, either at the Outspan Places, or on Lands which are not enclosed, unless secured in such manner, as to prevent access to any Mares belonging to the Owner of the neighbouring or other Place ; and with a view to enforce the same, I hereby empower the respective Courts of Landdrosts and Heemraden, or of Deputy Landdrosts and Heemraden, to impose a Fine not exceeding 100 Rds. in each case, which shall be proved by competent Witnesses before the said Court.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of May, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Measures which are in progress as Substitutes for the System of letting the Retail of Wine and Brandy, in

Cape Town, commonly called *the Pacht*, as notified in a Government Advertisement, dated 1st instant, render it expedient, for the protection of Cape Brandies and Spirituous Liquors, that an additional Duty shall be imposed and levied on all Foreign Spirituous Liquors, except Brandies, imported into this Settlement, over and above such Duties as are now payable on the Import thereof :

These are, therefore, to give Notice, that from and after the Date of these Presents, all Arrack, Rum, Gin, or other Spirituous Liquors, imported into the Ports of this Settlement, shall and may be charged with an additional Duty of One Rixdollar per Gallon, British Measure, over and above the Duties to which such Spirituous Liquors are, or may be, otherwise liable ;—which additional Duty of One Rixdollar per Gallon, British Measure, shall be levied, as customary, on all Spirituous Liquors, as aforesaid, which shall be landed from any Vessel arriving in these Ports subsequent to the Date hereof ;—of which the Collectors and Comptroller of Customs, and all concerned, are to take due Notice.

But whereas it may be the interest of the Importer of Foreign Spirituous Liquors to enter the same for Exportation, and to lodge them in the Warehouses of the Custom Department, at their own risk, under the immediate charge of the Collector and Comptroller of His Majesty's Customs, and to be permitted to re-export them "*Duty free*," paying only the usual Rates for Wharfage and Warehouse, the expense of Permits, and such other incidental Expenses as are customary and necessary :—It is therefore hereby provided, that it shall be permitted to the Importer of Foreign Brandies, and other Spirituous Liquors, to enter the same, as aforesaid, at the Custom-House, and to lodge such Foreign Spirituous Liquors in the Warehouses thereof, at their own risk, under the immediate charge of the Collector and Comptroller aforesaid, and to export the same within eighteen Months, Duty free, paying only the usual Rates for Wharfage and Warehouse, the expense of Permits, and such other incidental Charges as are usual and necessary.

And, in order to give to the Importers aforesaid the fullest advantage, it is hereby further provided, that it shall be permitted to them to enter for Consumption in the Colony, at any time within the eighteen Months aforesaid, any part of the

aforesaid Foreign Spirituous Liquors, not being less than one Cask or Package, upon payment of the usual Duties thereon. But at the expiration of the eighteen Months aforesaid, such proportion of the aforesaid Foreign Spirituous Liquors, as shall not have been exported, but shall remain in the Warehouse of His Majesty's Customs, shall be charged with all the Duties alluded to in this Proclamation; and the Persons interested therein shall be called upon to remove the same, paying the usual expenses; in default whereof, after due notice, His Majesty's Collector, or the Chief Officer of the Custom Department, shall put such Foreign Spirituous Liquors up to public Sale, on account of those interested therein, and shall pay to them the Proceeds thereof, deducting the aforesaid customary Duties and Expenses.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 10th day of October, 1823,

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas certain errors having crept into the Proclamation of the 10th October last, the said Proclamation is hereby declared null, void, and abrogated, to all intents and purposes, and the following is substituted in lieu thereof:—

Whereas the Measures which are in progress as Substitutes for the System of letting the Retail of Wine and Brandy, in Cape Town, commonly called *the Pacht*, as notified in a Government Advertisement, dated 1st October, render it expedient

for the protection of Cape Brandies and Spirituous Liquors, that an additional Duty shall be imposed and levied on all Foreign Spirituous Liquors, except Brandies, imported into this Settlement, over and above such Duties as are now payable on the Import thereof :

These are therefore to give Notice, that from and after the Date of these Presents, all Arrack, Rum, Gin, or other Spirituous Liquors, imported into the Ports of this Settlement, shall and may be charged with an additional Duty of One Rixdollar per Gallon, British Measure, over and above the Duties to which such Spirituous Liquors are or may be, otherwise liable ;—which additional Duty of One Rixdollar per Gallon, British Measure, shall be levied as customary on all Spirituous Liquors, as aforesaid, which shall be landed from any Vessel arriving in these Ports subsequent to the Date hereof ;—of which the Collectors and Comptroller of Customs, and all concerned, are to take due Notice.

But whereas it may be the interest of the Importer of Foreign Spirituous Liquors, to enter the same for Exportation, and to lodge them in the Warehouses of the Custom Department, at their own risk, under the immediate charge of the Collector and Comptroller of His Majesty's Customs, and to be permitted to re-export them "*Duty free*," paying only the usual Rates for Wharfage and Warehouse, the expense of Permits, and such other incidental Expenses as are customary and necessary :—It is therefore hereby provided, that it shall be permitted to the Importer of Foreign Spirituous Liquors, except Brandies, to enter the same, as aforesaid, at the Custom-House, and to lodge such Foreign Spirituous Liquors, except Brandies, in the Warehouses thereof at their own risk, under the immediate charge of the Collector and Comptroller aforesaid, and to export the same within Eighteen Months Duty Free, paying only the usual Rates for Wharfage and Warehouse, the expence of Permits, and such other incidental charges as are usual and necessary.

And in order to give to the Importers aforesaid the fullest advantage, it is hereby further provided, that it shall be permitted to them to enter for Consumption in the Colony, at any time within the Eighteen Months aforesaid, any part of the aforesaid Foreign Spirituous Liquors, not being less than one Cask or

Package, upon payment of the usual Duties thereon. But at the expiration of the Eighteen Months aforesaid, such proportion of the aforesaid Foreign Spirituous Liquors as shall not have been exported, but shall remain in the Warehouse of His Majesty's Customs, shall be charged with all the Duties alluded to in this Proclamation; and the Persons interested therein shall be called upon to remove the same, paying the usual expences; in default whereof, after due notice, His Majesty's Collector, or Chief Officer of the Custom Department, shall put such Foreign Spirituous Liquors up to Public Sale, on account of those interested therein, and shall pay to them the Proceeds thereof, deducting the aforesaid customary Duties and Expences.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 13th day of November, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Having taken into my most serious consideration the inconvenience and numerous irregularities occasioned by the System of Farming the Wine and Spirit and Beer Retail in Cape Town and its Vicinity, I do hereby direct and order, that, at the expiration of the present Contract, which will take place on the 31st December next ensuing, the Retail of Wine and Spirits in Cape Town and Vicinity, (commonly called the *Pacht*,) shall cease, and in lieu thereof, the following Regulations shall be substituted, viz. :—

1st. From and after the 1st day of January next, 1824, no Person shall be permitted to Retail Cape Wine, Cape and

Foreign Brandy, or other Spirituous Liquors, within the Limits of the Table Valley, unless previously provided with a Licence, to be issued in the following manner, and on the following Conditions :—

Every Person intending to take out a Licence shall procure from the Wardmaster and two respectable Householders of the Ward in which he proposes to open a House or Store for the Retail of Wine and Spirituous Liquors, a Certificate of good Conduct, which Certificate shall be produced and approved by a Committee to be hereafter named, on Wednesday the 24th, or Wednesday, the 31st of December next, between the Hours of Eleven and Two, at which Hours the Committee will sit at the Town House, for the purpose of receiving Applications of this nature.

2nd. The aforesaid Committee having approved the Certificate produced to them, the Party shall deposit the same at the Office of the Collector of Tithes, where he will receive a Licence for one Year, upon Payment of 375 Rds. for the first Quarter, and giving two sufficient Sureties for the further payment of a similar Sum previous to the expiration of each succeeding Quarter, so that the whole Annual Licence will amount to 1,500 Rds. ;—such Sureties binding themselves for the due performance thereof “ *in solidum*,” and renouncing the “ *Beneficia ordinis et divisionis*.” The Collector aforesaid retaining a Lieu “ *tacita hypotheca*,” on the Holders of the Licences aforesaid, for the whole amount thereof ; so that upon the failure of any Holder of a Licence to pay his Instalment when due, he may be proceeded against by “ *Parata Executio*,” to which the Sureties also will render themselves liable.

3rd. Holders of the aforesaid Licences will be allowed to retail Cape Wine, or Cape or Foreign Spirits, only ;—but such Licences will not be sufficient to allow them to dispose of them otherwise than by Retail, or to import into the Colony any Foreign Brandy, Rum, Arrack, or other Spirit ; such Trade requiring other Licences, as will hereinafter further appear.

4th. From and after the 1st day of January next, all Persons being Burghers of the Colony, or having the privileges of Burghers, intending to export, sell, or otherwise dispose of Cape Wines or Cape Brandies, or other Spirituous Liquors, being the produce or manufacture of this Colony, by the Half Aum of

19 gallons, or larger quantity, shall take out an Annual Licence, (renewable on the Wednesday in the two preceding weeks of each Quarter-day,) at the Colonial Secretary's Office, on a Stamp of 250 Rds.—which Licence must be registered at the Colonial Office aforesaid, and in the Offices of His Majesty's Fiscal and Burgher Senate, or in that of the Resident, if at Simon's Town, or in those of the Landdrosts of the Country Districts, respectively, as the case may be.

This Regulation is not to prevent Individuals, not being Wine Merchants, from exporting Cape Wine without Licence, provided the quantity does not exceed 3 Pipes annually, and provided the Duties applicable to such cases have been paid thereon.

5th. From and after the 1st day of January, 1824, all Persons being Burghers of this Colony, or having the privileges of Burghers, intending to import, sell, or otherwise dispose of Foreign Brandy, Rum, Arrack, Gin, or other Foreign Spirituous Liquors, by the Half Aum of 19 gallons each, or by larger quantities, shall be obliged to take out a Licence in the same manner as is described in the last Article, on a Stamp of 200 Rds.

6th. The Licences granted as above will not authorise the Holder to open more than one House or Store for his Wholesale or Retail Dealing ; but these he shall be permitted to open where it may best suit his convenience, provided His Majesty's Fiscal (or the Resident or Landdrost, as the case may be), has no reasonable objection to the locality. Each House, therefore, opened as above, must have a separate Licence.

7th. Each licensed Retailer of Cape Wine, Cape and Foreign Brandy, or other Spirituous Liquors, shall affix a Sign or Board in a conspicuous part of the outside of the House or Store appropriated to this purpose, on which shall be written in large and legible characters,—“ Licensed to retail Cape Wine, Cape and Foreign Brandy, and other Spirituous Liquors.”

8th. No Person shall be permitted to carry Cape Wine, or Cape or other Foreign Spirituous Liquors, in Boats or other Vessels, for the purpose of retailing in Table Bay, unless such Person be a licensed Retailer.

9th. No Person shall be permitted to establish a Retail of Cape Wine, or Cape or Foreign Brandy, or other Spirituous Liquors, on board of any Ships, Boats, or Vessels anchored in Table Bay, unless he shall have previously obtained a Licence so

to do, for one Year—which Licence shall be similar to that of the Retail Dealers.

10th. No Military Canteen, for the retail of Cape Wine, or Cape and Foreign Brandies, or other Spirituous Liquors, shall be opened either in the Castle or Barracks, in Tents or moveable Apartments, within the limits of Table Valley, unless the Holder thereof shall have previously obtained a Retail Licence for that purpose.

11th. Keepers of Society or Billiard Houses shall take out Retail Licences for the Sale of Cape Wine, Cape or Foreign Brandy, or other Spirituous Liquors, unless they purchase the said Liquors from a licensed Retail Dealer.

12th. Keepers of Hotels and Eating Houses residing in Cape Town, or within the limits of Table Valley, shall take out an Annual Retail Licence for the Sale of Cape Wine, and Cape and Foreign Brandy, or other Spirituous Liquors, as in the cases of other Retailers, unless they purchase the aforesaid Liquors from a licensed Retail Dealer : and all Keepers of Hotels and Eating Houses shall report, in writing, their Names and Dwelling Places to His Majesty's Fiscal, and to the Wardmaster of the Ward in which they reside ; and the said Wardmaster is hereby directed to communicate with His Majesty's Fiscal thereon, in order that the Fiscal's list of Hotel Keepers, &c. may be thereby accurately checked.

13th. No Person, under pretence of keeping an Hotel or Eating House, shall retail Cape Wine, or Cape or Foreign Brandies, or other Spirituous Liquors, to any Persons, excepting his Customers, at his board or table.

14th. It is hereby strictly prohibited to any Person or Persons, to purchase Cape Wines, or Cape or Foreign Brandies, or other Spirituous Liquors, in less quantity than a Half Aum of 19 gallons, unless the same be purchased from a licensed Retail Dealer, under a Penalty of 200 Rds.

15th. Licensed Wholesale Wine and Brandy Merchants shall sell or dispose of their Wines and Spirits from Stores, Cellars, or other places opening to the public street, or road, agreeably to the 10th Article of the Proclamation of the 22nd August, 1821.

16th. The Regulation compelling Wholesale Dealers in Cape Wines, and Cape or Foreign Brandies, and other Spirituous Liquors, does not extend to Wine Growers, who will continue

to be allowed to vend the Wines and Brandies, the growth and produce of their own Estates, in quantities not less than a Half Aum of 19 gallons, though not in open Stores, as will be herein more fully explained in a subsequent Article.

17th. Persons disposing of Wines at Public Vendues are not required to take out Licences for the sale thereof.

18th. Every Person not licensed to Retail Cape Wines, or Cape or Foreign Brandies, or other Spirituous Liquors, and every Person not licensed to deal by Wholesale in Cape Wines and Cape Spirits, or to import and deal by Wholesale in Foreign Spirits, who shall be convicted of having infringed any of the foregoing Regulations, shall, for the first Offence, forfeit double the value of the Licence required to be taken ; and in default of payment thereof, he shall, in case the Offence shall be that of having sold by Retail Cape Wine, or Cape or Foreign Brandy, or other Spirituous Liquor, be liable to Confinement to Hard Labour at the Tread-Mill, or in the Prison, for a term of not less than two Calendar Months, and not exceeding six Calendar Months ;—and in case the Offence be that of having sold Cape Wine or Cape Spirits by Wholesale, or having imported and dealt Wholesale in Foreign Spirits, then in default of payment of double the amount of the Licence aforesaid, he shall be liable to Imprisonment for not less than one Calendar Month, nor exceeding three Calendar Months ; and for a second and further Offence, the unlicensed Retailer shall be liable to Confinement to Hard Labour as aforesaid, for a term of not less than six Calendar Months, and not exceeding twelve Calendar Months ; and the unlicensed Wholesale Dealer in Cape Wine and Cape Spirits, and the unlicensed Importer of, and Wholesale Dealer in, Foreign Spirits, shall be liable to double the Fine forfeited for the first Offence, and in case of inability to the payment thereof, to Imprisonment for a term of not less than six Calendar Months.

19th. The Fines directed to be levied by the preceding Article shall be distributed according to the usage of the Colony ; but in case the information which shall lead to the conviction of an Offender shall have been given by the Holder of a Licence against whom the Offence shall have been committed, in such case, the third share, which would otherwise be payable to the Government Treasury, shall be paid to the Informer, over and above the share to which he would otherwise be entitled.

20th. The Mode of Proceeding by "*Parata Executio*," established by the Proclamation of the 25th April last, shall be made applicable to the Condemnations, by one Commissioner of the Court of Justice, in the Penalties directed to be imposed by the 18th Article of this Proclamation ; and moreover, the Regulations for the maintenance of good order in Houses licensed to retail Cape Wines, and Cape or Foreign Brandies, or other Spirituous Liquors, as contained in the Proclamation of the 22nd August, 1821, and the Laws therein referred to, as also in the Proclamation of the 25th April last, shall remain in full force.

21st. A Duty of one Rixdollar per Gallon, shall, from the date of this Proclamation, be levied on all Foreign Brandy sold for Colonial Consumption, which said Duty of one Rixdollar per Gallon, shall be received and collected in the following manner :

All Persons requiring Foreign Brandies for their own Consumption, or to sell by Retail, shall apply to the Collector of Tithes for a Permit to receive from the Importer the quantity required. This Permit shall be granted to him, upon his paying to the Collector the Duty aforesaid of one Rixdollar per Gallon : the Permit must be applied for between the Hours of Nine and Eleven in the Forenoon ; and the Importer who shall have sold the Brandy, upon receipt of this Permit, shall be bound to countersign the same, and the Permit so countersigned, shall be returned to the Collector of Tithes, within four Hours after the delivery of the Brandy so sold.

Any Person or Persons infringing this Regulation, shall be liable to a Fine of Three Hundred Rixdollars,—to be sued for, levied, and distributed in the usual manner.

22nd. A Duty of 8 Rixdollars per Leaguer shall be paid from the date of this Proclamation, to the Collector of Tithes, upon all Cape Wine brought to the Cape Town Market in whole Leaguers, and not sold or disposed of to the licensed Wholesale Dealers in Wine ; and in case such Cape Wine be brought to Market in smaller Casks than a Leaguer, the Duty thereon shall be levied at the following rates :—

8	Rixdollars	for a Leaguer,
6	ditto	for a Half Leaguer,
4	ditto	for an Aum,
2½	ditto	for an Half Aum,

which Duties shall be payable before the Wines are removed from the Market aforesaid ; and in the event of Casks measuring an intermediate quantity between the above-mentioned Fustages, in such case the Duty payable thereon will be that imposed on the Cask containing the greater quantity thereof. Any Person or Persons infringing this Regulation shall be liable to a Fine of One Hundred Rixdollars—to be sued for, recovered, and distributed, in the usual manner.

23rd. The Committee alluded to in the 1st Article of this Proclamation, which shall assemble for the purpose of investigating the Certificates of Character of the Persons who shall be desirous of opening Houses for the Retail of Cape Wines, and Cape and Foreign Brandies, and other Spirituous Liquors, and granting Licences for that purpose, shall consist of

His Majesty's Fiscal, or in his absence,
The Deputy Fiscal,
The Landdrost of the Cape District,
The Auditor, and
The Comptroller of His Majesty's Customs,

two of whom may form a Committee.

24th. The Proclamation of the 22nd August, 1821, and the Laws therein referred to, and the Proclamation of the 25th April, 1823, as far as they are not altered and repealed by this present Proclamation, are and shall remain in full force.

And whereas, prior to the year 1818, it was customary to farm the Retail of Cape Beer in a similar manner to the Retail of Cape Wine aforesaid, which practice has, however, from that period, been discontinued, and cordially acquiesced in by the Brewers of Cape Beer : it is therefore hereby made known, that Licences for Brewing Cape Beer will, in future, be issued annually, at the rate of 600 Rds. each—the Licence to commence on the 1st September, and expire on the 31st August ; and any Person brewing Beer for Sale, without Licence as aforesaid, will be liable to a Penalty of treble the amount of the Licence required to be taken out, which Penalty shall be sued for, recovered, and distributed, in the usual manner.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 14th day of November, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that the Reward of 25 Rixdollars per head, ordered by my Proclamation of the 21st March, 1822, to be given for the destruction of Tigers, bears with too great weight upon the Treasuries of Worcester and Swellendam, in which those Animals are still in considerable numbers : I do therefore hereby recall the same, in as far as regards the Districts of Worcester and Swellendam, in which, from henceforward, a Reward of 10 Rixdollars only, shall be paid to such Persons as shall kill any male or female Tiger—of which all concerned are to take due Notice.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope,
this 21st day of November, 1823.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

Government Advertisement.

Major Somerset, Commanding on the Frontier, having reported to His Excellency the Governor, a detail of the circumstances which occurred in the spirited attack made upon the Caffres, on the morning of the 4th instant, and the complete success with which that service has been crowned, His Excellency cannot refrain from taking the earliest opportunity of expressing to the Commandant Van Wyk and the Graaff-Reinet Burghers, and the Commandant Durant and the Albany Burghers, His warmest acknowledgments and grateful thanks, for the zeal, valour, and activity they evinced on that occasion ; to which, and to the able manner in which he was supported by every Officer and Soldier, Major Somerset alone attributes the fortunate result of the enterprize. His Excellency cannot pass over in silence the laudable anxiety the Commanding Officer reports was shewn by every Individual employed, that no evil should accrue to the Women and Children of the Foe. His Excellency begs also to express his sense of the merit of Commandant Muller and the Uitenhage Burghers, for their services, in patrolling the Country near Graham's Town, during the operations, which Major Somerset reports to have been performed with great judgment and activity.

It is a source of heartfelt gratification to His Excellency, that upon every occasion on which he has had to address the Burghers who are called forth in defence of their Country, he has to acknowledge their Patriotism, Zeal, and Loyalty. He begs to assure them, that their Welfare and Happiness will ever be objects of His most anxious care ; and He has every hope and confidence, that the result of their exertions on the present occasion, will ensure to them and their Families a long series of tranquillity and domestic comfort.

Cape of Good Hope, 19th December, 1823.

By Command of His Excellency the Governor,

(Signed) C. BIRD, Secretary.

[Copy.]

Government Advertisement.

The Society in England, "For the Encouragement of Arts, Manufactures, and Commerce," of which His Royal Highness Prince Augustus Frederick, Duke of Sussex, is President, having transmitted to His Excellency the Governor a List of the Premiums offered for the Years 1824, 1825, and 1826; those peculiarly applicable to the Cape of Good Hope are as follows :

"To the Person who, in the Years 1823 or 1824, shall raise at the Cape of Good Hope, and import, a Substitute for Hemp, not less than two Tons, equally cheap, durable, and applicable to all the purposes for which Hemp is now used, the *Gold Medal*, or *Fifty Guineas*."

A quantity of the Substitute, not less than twenty Pounds, together with the proper Certificates from the Governor, Commander in Chief, or Secretary of the Colony, in which the same has been raised, to be produced to the Society, on or before the last Tuesday in February, 1824.

The Society particularly direct the attention of the Public to the *Phormium Tenax*, or New Zealand Flax.

N.B. This Premium is extended one Year farther, on similar Conditions.

"To the Person who, in the Years 1823, 4, or 5, shall raise at the Cape of Good Hope, and import, the greatest quantity of Silk, proper for Manufactures, not less than one hundred Pounds Weight, from Silk Worms bred there, the *Gold Medal*, or *Fifty Guineas*."

Specimens of the Silk, not less than one Pound, with an Account of the Method in which the Silk Worms were managed, the kind of Mulberry Trees from whence they were furnished with Food, and Particulars respecting the Culture of the Mulberry Trees for that purpose, to be produced to the Society on or before the first Tuesday in March, 1824, 5, and 6.

"For the next greatest quantity, not less than Fifty Pounds, on similar Conditions, the *Silver Medal*, or *Twenty Guineas*."

Satisfactory Certificates from the Governor, Commander in Chief, or Secretary of the Colony, where the said Silk was produced, and of the several particulars above-mentioned, to be delivered to the Society, along with the Samples required.

“To the Person who shall import, in the Years 1824 or 1825, the finest Wine, not less than twenty Gallons, made from the Produce of Vineyards at the Cape of Good Hope, or the parts adjacent, the *Gold Medal*.”

The above Premium is not offered for the Sweet or Constantia Wine, the quality and value of which are sufficiently known, but to encourage the improvement of the Vineyards more recently established.

Samples of the Wine in Bottles, Bills of Lading, and Certificates of the Governor or Secretary of the Colony, that the Wine was made in the Colony, to be produced to the Society on or before the 1st of March, 1824 or 1825.

“To the Person who shall grow and prepare the greatest quantity of Tea, of good quality, not being less than twenty Pounds Weight, at the Cape of Good Hope, and shall import the same into Great Britain, the *Gold Medal*, or *Fifty Guineas*.”

Satisfactory Certificates from the Governor, or Secretary of the Colony, that such Tea was grown and prepared in the Colony, together with an account of the number of Tea Trees, their age, mode of culture, of gathering, drying, and preparing the Leaves, and Samples of the Tea, to be produced to the Society on or before the first Tuesday in February, 1827.

“To the Person who shall prepare, and import into Great Britain, the greatest quantity, not less than one hundred Pounds, of Dried Fruits, similar to those now imported from the Mediterranean, of good quality and the growth of the Colony of the Cape of Good Hope, the *Gold Ceres Medal*.”

Satisfactory Certificates from the Governor, or Secretary of the Colony, that the Fruits were grown and prepared in the Colony, with Samples of the Fruits, to be presented to the Society on or before the first Tuesday in February, 1825. This Premium is also extended to 1826.

The following Premium is offered for fine Wool from New South Wales only ; but as His Excellency the Governor feels that the encouragement of the growth of fine Wool in this

Colony is of equal importance to the Mother Country, His Excellency will insure the said Premium to the Person who shall claim it, and prove himself entitled to it under the stipulations of the Society.

“To the Person who shall produce to the Society a Sample of Wool, the Produce of the Cape of Good Hope, equal to the best Saxon, the *Golden Medal*.”

Not less than fourteen Pounds of the Wool to be produced to the Society, on or before the last Tuesday in February, 1825, together with Certificates, that at least 5 Cwt. equal to the Samples, has been imported by the Claimant.

Cape of Good Hope, 2nd January, 1824.

By Command of His Excellency the Governor,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Having taken into consideration the serious inconvenience which has arisen to the Inhabitants of that part of the District of Worcester, which is situated on this side of the line drawn from the point of Piquet Berg to the Verloren Valley, from the immense distance of their Residences from the Seat of Magistracy; and having also considered the advantage they would derive by separating that part of the aforesaid District from it, and attaching it to the Cape District,—I do therefore, by virtue of the Power and Authority vested in me, hereby order and direct, that henceforward that part of the District of Worcester, situated to the Westward of an imaginary line to be drawn from the point of Piquet Berg to the Verloren Valley, including the two Field Cornetries of Before Piquet Berg, and the Field Cornetcy of Groote Berg River, shall be separated therefrom, and attached to the Cape District.

And I do hereby further direct all Persons concerned to take

due notice hereof, and conform themselves to this Proclamation.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of March, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that much injury and damage have arisen from permitting private Individuals to make use of the Cranes upon the Wharf in Simon's Bay, at their own discretion, and from the want of some public Regulation in the use thereof, and of some Arrangement under the Authority of Government, for the furnishing of proper Tackle at the Wharf, for embarking and disembarking Stores and Merchandize : and it has also appeared to me, that it would contribute greatly to general accommodation, if the surface of the Wharf aforesaid, were constantly attended to by appropriate Officers, so that the danger to which Passengers and others are now frequently exposed in traversing the same, may, by timely attention, be obviated,—I have judged it expedient to appoint a Wharfmaster at that Port, under the control and direction of the Custom Department there, whose Business it shall be, among other things, to procure, keep in readiness, and issue to such Persons as embark or disembark Stores or Merchandize at the Wharf, proper Tackle for their accommodation, and to cause them to be kept in constant and sufficient repair ; it shall be also his duty to see that the surface of the Wharf is repaired the moment it shall be requisite ; and further, to inspect and report, from time to time, upon its general state and security.

Now, in order to cover the Expenses that this measure will render necessary, I have thought proper to sanction the Collection of the undermentioned Rates of Wharfage, from those Persons who shall make use of the public Wharf in Simon's Bay, or of the Cranes belonging to the same, viz :—

For the embarkation or disembarkation of every Horse, 5 Rds.

For all other Cattle, 1 Rixdollar each.

For Sheep and Pigs, 2 Skillings each.

For a Pipe, Case, or Package of half a Ton, 1 Rixdollar.

For a half Pipe, or other Cask, 4 Skillings.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 22nd day of April, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Worshipful the Court of Justice has represented to me the heavy Expenses attendant on the Prosecution of Debtors for small Sums, before the Court for Petty Law Cases, which Expenses are considerably increased by the Stamps on which the Documents required from the commencement to the termination of a Suit are by Law directed to be written, so that the Costs in some Cases frequently exceed the Amount of the Debt sued for ; and whereas it has further been represented to me, that the practice before the Worshipful the Court of Justice of using a Stamp of *two Skillings* only, for covering all Documents, without exception, filed in Court, is disproportionate as far as regards private Bonds for the payment of a certain Sum

of Money,—I have therefore judged it expedient to revise and amend the Tariff of Stamp Duties at present in use in this Settlement, and by virtue of the power and authority in me vested, to direct and order, and it is hereby so ordered, that Stamps according to the annexed Schedule be in future used in all circumstances to which the Schedule aforesaid applies, of which Regulation the Worshipful the Court of Justice, and all other Public Bodies and Individuals, are hereby required to take Notice, as the same will be enforced according to the existing Laws.

Tariff of Stamp Duties, in the Colony of the Cape of Good Hope.

ARTICLE I.

Transfers passed at the Secretary's Office.

From	1 to	300 Guilders						Rds.	sts.
			.	.	.	.	.	0	6
	300	750	.	.	.	.	.	0	24
	750	1500	.	.	.	.	.	1	0
	1500	3000	.	.	.	.	.	2	0
	3000	7500	.	.	.	.	.	4	0
	7500	12000	.	.	.	.	.	8	0
	12000	15000	.	.	.	.	.	10	0
	15000	20000	.	.	.	.	.	15	0
	20000	30000	.	.	.	.	.	20	0
	30000	50000	.	.	.	.	.	30	0
	50000	75000	.	.	.	.	.	40	0
	75000	100000	.	.	.	.	.	50	0
	upwards	.	.	.	.	.	.	60	0

ARTICLE 2.

Transfers of Loan Places.

From	1 to	3000 Guilders	.	.	.	.	.	0	36
	3000	7500	.	.	.	.	.	1	24
	7500	15000	.	.	.	.	.	3	0
	15000	30000	.	.	.	.	.	6	0
	30000 and upwards	.	.	.	.	.	.	10	0

ARTICLE 3.

Mortgages passed at the Secretary's Office, Government Bank, and Orphan Chamber.

From	1 to	300 Guilders	.	.	.	.	.	0	12
	300	750	.	.	.	.	.	1	0
	750	1500	.	.	.	.	.	2	0

								Rds.	sts.
From	1500	to	3000	.	.	.	.	3	0
	3000		7500	.	.	.	.	6	0
	7500		15000	.	.	.	.	12	0
	15000		30000	.	.	.	.	20	0
	30000		and upwards	.	.	.	.	30	0
Deeds of Prolongation in the Government Bank	.	.	.	.	.	.	.	5	0
Ditto on Short Loans	.	.	.	.	.	.	.	1	24
Receipts for Interest by ditto	.	.	.	.	.	.	.	0	6
Bills or Promissory Notes drawn in favour of, or endorsed to, the Bank, to be written on or covered with the following Stamps :									
From	1	to	500 Rixdollars	.	.	.	.	0	24
	500		1000	.	.	.	.	1	0
	1000		2000	.	.	.	.	1	24
	2000		3000	.	.	.	.	2	0
	3000		4000	.	.	.	.	3	0
	4000		and upwards	.	.	.	.	4	0

ARTICLE 4.

Bonds passed before Notaries.

From	1	to	100 Rds.	.	.	.	.	0	6
	100		250	.	.	.	.	0	24
	250		500	.	.	.	.	1	0
	500		1000	.	.	.	.	1	24
	1000		2500	.	.	.	.	3	0
	2500		5000	.	.	.	.	6	0
	5000		10000	.	.	.	.	12	0
	10000		and upwards	.	.	.	.	20	0
Securities for Bonds	.	.	.	.	.	.	.	1	0

ARTICLE 5.

Wills, and all other Deeds which are relative to the same, or arise from it.

WILLS AND CODICILS.

A.	When the Testator values his Estate less than 6000 Guilders	.	.	.	.	.	.	1	0
	But when he possesses more than f6000, but less than f50000	.	.	.	.	.	.	15	0
	And possessing more than f50000	.	.	.	.	.	.	20	0
B.	Codicil, or alteration of a Will according to the Clause Reservatoir	.	.	.	.	.	.	1	0
C.	Repudiation of Inheritance and Deeds of Consideration	.	.	.	.	.	.	0	24
D.	Deeds of Donation, <i>inter vivos</i> , and <i>causa mortis</i>,	.	.	.	.	.	.	.	.
	When the value is under 1000 Guilders	.	.	.	.	.	.	1	0
From	1000	to	2500	.	.	.	.	2	0
	2500		5000	.	.	.	.	5	0
	5000		10000	.	.	.	.	12	0
	10000		20000	.	.	.	.	25	0
	20000		50000	.	.	.	.	50	0
	50000		and upwards	.	.	.	.	100	0

							Rds.	sts.
E.	Inventories of Estates, without the valuation of the same, and all other Inventories, when calculated at less than 25000 Guilders,							
	first sheet	.	.	.	.	.	1	0
	Each subsequent sheet	.	.	.	.	.	0	6
	When calculated at <i>f</i> 25000 or more, first sheet	.	.	.	.	.	2	0
	Each subsequent sheet	.	.	.	.	.	0	12
F.	Inventories of Estates, with the valuation :							
	From 1 to 500 Rds.	.	.	.	.	.	0	12
	500 1000	.	.	.	.	.	0	24
	1000 2500	.	.	.	.	.	1	0
	2500 5000	.	.	.	.	.	2	0
	5000 10000	.	.	.	.	.	4	0
	10000 and upwards	.	.	.	.	.	8	0
	Each subsequent sheet	.	.	.	.	.	0	12
G.	All Accounts of the Orphan Chamber, Tutors, and Guardians, and also all other Accounts by which any common Administration, Receipt, and Expenditure shall be accounted for and settled, except such Accounts as respect any Insolvent Estate, for which indiscriminately only a Stamp of Twelve Stivers is required, are to be written on the following Stamps :							
	When the Receipt and Expenditure jointly amount to more than 100 Rds. and are under 400 Rds.							
	From 400 to 1000	.	.	.	.	.	0	12
	1000 2000	.	.	.	.	.	0	24
	2000 3000	.	.	.	.	.	1	0
	3000 5000	.	.	.	.	.	3	0
	5000 10000	.	.	.	.	.	4	0
	10000 15000	.	.	.	.	.	7	0
	15000 20000	.	.	.	.	.	15	0
	20000 30000	.	.	.	.	.	20	0
	30000 40000	.	.	.	.	.	30	0
	40000 50000	.	.	.	.	.	40	0
	50000 75000	.	.	.	.	.	50	0
	75000 100000	.	.	.	.	.	75	0
	100000 150000	.	.	.	.	.	100	0
	150000 and upwards	.	.	.	.	.	150	0
		.	.	.	.	.	200	0
H.	Deeds for securing the portion of Children from former Marriages :							
	From 1 to 500 Rds.	.	.	.	.	.	0.	12
	500 1000	.	.	.	.	.	0	24
	1000 2500	.	.	.	.	.	1	0
	2500 5000	.	.	.	.	.	2	0
	5000 10000	.	.	.	.	.	4	0
	10000 and upwards	.	.	.	.	.	8	0
I.	Deeds of Discharge for the receipt of the Portions of those who are instituted Heirs :							
	From 1 to 500 Rds.	.	.	.	.	.	0	24
	500 1000	.	.	.	.	.	1	0

	<i>Rds.</i>	<i>sts.</i>
All Demands, Petitions, &c. that are presented to the Court of Justice	1	0
All Copies or Extracts	0	24
Arrests on Persons or Property	1	0
Deeds of Venia <i>Ætatis</i>	50	0
A Memorial for Venia <i>Agendi</i>	3	0
Reply to the same	0	12
For every subsequent sheet of the said Deeds and Papers, a Stamp of half the value of the first sheet to be made use of, which first sheet must be written as usual on the Stamps ordered by the old Tariff, each Page to contain not more than eighteen Lines, each Line thirty Letters.		
Acceptances, Promissory Notes, or private Bonds, filed or exhibited in the Court of Justice, for the sake of recovery, to be covered with a Stamp of half the value of that directed to be used for Bonds executed before a Notary Public, in like proportion to their amount.		
Insinuations, Interpellations, Citations, Sentences of the several Courts for Petty Law Cases, and Sommations and Renovations on the same, in all Cases not exceeding One Hundred Rixdollars, exclusive of Interest and Costs, to be written on a Stamp of only half the value required in Cases amounting to more than One Hundred Rixdollars.		

ARTICLE 7.

Agreements and all other Deeds relative thereto.

A. Contracts between the Inhabitants of the Colony, relative to hiring of Houses and Lands	1	0
B. Hiring of Slaves, also Contracts for Building, or for supplying Victuals, for making Implements, &c.	0	24
C. Contract entered into with Strangers, respecting the supply of Merchandize or of Colonial Produce	1	0
D. Charter Parties for a Ship under 200 Tons or 100 Lasts	10	0
For Ships above 200 Tons or 100 Lasts	20	0
E. Bills of Lading from 1 to 10 Tons	5	0
10 20	10	0
20 50	20	0
50 and upwards	30	0
F. Bottomry Bonds :		
From 1 to 500 Rds.	1	0
500 1000	2	0
1000 2000	4	0
2000 5000	8	0
5000 10000	16	0
10000 20000	40	0
20000 and upwards	60	0

ARTICLE 8.

Vendue Notes, or Vendue Accounts, including all other Documents relative to Public Sales.

From	5 to	10 Rds.						Rds.	sts.
			.	.	.	.	.	0	6
	10	25	.	.	.	.	.	0	12
	25	50	.	.	.	.	.	0	24
	50	75	.	.	.	.	.	0	36
	75	100	.	.	.	.	.	1	0
	100	150	.	.	.	.	.	1	24
	150	200	.	.	.	.	.	2	0
	200	275	.	.	.	.	.	2	24
	275	350	.	.	.	.	.	3	0
	350	500	.	.	.	.	.	5	0
	500	700	.	.	.	.	.	6	0
	700	1000	.	.	.	.	.	7	0
	1000	1500	.	.	.	.	.	8	0
	1500	2000	.	.	.	.	.	9	0
	2000	3000	.	.	.	.	.	12	0
	3000	4000	.	.	.	.	.	15	0
	4000	5000	.	.	.	.	.	18	0
	5000 and upwards		.	.	.	.	.	20	0
B.	Advertisements respecting Public Sales		.	.	.	.	.	0	24
C.	Vendue Lists of immoveable and moveable Property		.	.	.	.	.	0	24
D.	Copies of Vendue Lists or Extracts out of the same, first sheet		.	.	.	.	.	0	24
	Each subsequent sheet		.	.	.	.	.	0	6
E.	Agreements of Sale of immoveable Property		.	.	.	.	.	2	0

ARTICLE 9.

Privileges and Licences.

A.	Licences for the	Vendue Masters, annually	.	.	.	.	150	0
B.	"	Butchers, ditto	.	.	.	.	50	0
C.	"	Bakers, ditto	.	.	.	.	50	0
D.	"	Wine Merchants in Cape Town, ditto.	.	.	.	.	250	0
E.	"	ditto in the Country Districts, ditto	.	.	.	.	50	0
F.	"	Inhabitants of Constantia, Wynbergen, and Steenberg, for grazing their Cattle, ditto	.	.	.	.	10	0
G.	"	Carriers of Firewood, ditto	.	.	.	.	10	0
H.	"	To cut Timber, for each Load	.	.	.	.	0	24
I.	"	For Waggons	.	.	.	.	0	6
K.	"	Boatmen, annually	.	.	.	.	1	0
L.	"	Clubs and Societies, ditto	.	.	.	.	50	0
M.	"	Each Public Billiard Table, ditto	.	.	.	.	100	0
N.	"	Each Tent at the Wharf, ditto	.	.	.	.	1	0
O.	"	To go to the Hot Baths	.	.	.	.	0	24
P.	Permissions to remain in the Colony		.	.	.	.	5	0

	<i>Rds.</i>	<i>sts.</i>
Q. Permissions to leave the Colony	1	0
R. Letters of Burghership	250	0
S. Special Licence to be united in Marriage, without publication of Bans	200	0
T. Adoptions	1	0
U. Licence for keeping a Retail Shop in Cape Town, annually .	20	0
V. „ for Pedlars and Hawkers, ditto	20	0
W. „ for retailing Foreign Wines and Beer, ditto	200	0
X. „ for the Wholesale Foreign Brandies, and other Foreign Spirituos Liquors, ditto	200	0
Y. „ for brewing Cape Beer, ditto	600	0
Z. „ for retailing Cape Beer, ditto	25	0
AA. „ for retailing Colonial Produce, ditto	5	0
BB. „ for killing Game, ditto	5	0

ARTICLE 10.

Powers of Attorney.

A. A general Power of Attorney, to Persons not residing in the Colony	10	0
B. A special Power of Attorney, to Persons not residing in the Colony, when the object admits of pecuniary valuation, if less than 1000 Rds.	1	0
If more than 1000 Rds.	2	0
C. A general Power of Attorney, to Persons within the Colony .	3	0
D. A special Power of Attorney to ditto	0	24
E. Further, all Deeds of Substitution, Assumption, Surrogation, &c.	1	0

ARTICLE 11.

Protests.

A. Protests of Bills of Exchange, Drafts, or Promises	2	0
B. Sea Protests	6	0
C. Affidavits	1	0
D. Affidavits to be acted upon without the Colony	1	0

ARTICLE 12.

Transfers.

A. Transfer of Mortgage Bonds, &c. not amounting to more than 5000 Rds.	1	0
5000 Rds. and upwards	2	0
B. Transfers of Moveables	1	0
C. Transfers of Slaves by Gift, Sale, or Inheritance	5	0
D. Manumission	5	0
E. Certificate of Mortgage of one Slave	2	0
F. For each subsequent Slave included in the same Certificate .	1	0
G. Extracts from the Registers of Slaves	1	0

ARTICLE 13.

Civil Servants.

	<i>Rds.</i>	<i>sts.</i>
A. The Deeds of their Appointment or Promotion, when their Salaries amount to no more than 600 Rds.	1	0
From 600 to 1200	3	0
1200 2400	10	0
2400 6000	20	0
6000 and upwards	40	0
B. Admission of Notaries	100	0
Ditto of Attorneys	100	0

ARTICLE 14.

Court of Appeals.

For the Bond Stamp	2	0
Memorial	1	0
Cases,—the first sheet	1	0
Every subsequent one	0	24
Exhibits	0	24
The Sentences	10	0
The Orders of Reference	0	12
Orders of Court	0	6
Reports,—first sheet	0	24
Every subsequent one	0	12

The like Stamps are to be used by the Secretary of the Court, in all Copies.

ARTICLE 15.

Admiralty Court.

Affidavits	0	24
Claims	0	24
Examinations in preparatory on the first sheet	1	0
Every other and each Witness	0	12
Decree of Unlivery	0	24
„ Appraisement and Sale	1	0
„ Removal	0	12
Deeds of Inspection	0	12
„ Restitution	2	0
„ Delivery	0	24
„ Condemnation	2	0
„ for Answers	0	24
Allegation,—first sheet	0	24
Every subsequent sheet	0	12

Answers	0	12
Minutes of Court	0	12
Papers extracted,—per extract	0	12
Copies,—per sheet	0	12
Letters of Marque	100	0

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 30th day of April, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has come to my knowledge, that some ill-designed Person or Persons has or have, early in the Morning of this Day, maliciously written and stuck up, or caused to be stuck up, at one of the Posts on the Bridge leading from Hout-street to the Grand Parade, a certain Defamatory Libel, tending to disgrace my Character and Honor, and that of one of the Officers of this Government : I, for the better apprehending and bringing to Justice the Person or Persons concerned in this most atrocious attempt, do hereby offer a Reward of Five Thousand Rixdollars to any Person or Persons who shall give such information as may lead to the full discovery of the Perpetrator or Perpetrators thereof, so that he or they may be apprehended and convicted of the same ; together with a Reward of One Thousand Rixdollars to any Person or Persons, who shall deliver into the hands of His Majesty's Fiscal the Defamatory Paper above alluded to,—and impunity, should he or they appear to be an Accomplice or Accomplices not principally concerned therein.

And in order to give the fullest publicity to this my intention, besides the usual means of making the same known, I do hereby direct each and every Wardmaster of this Town, to appoint and assemble one Slave from every House in their respective Wards, and explain, or cause to be explained, to such Slaves so assembled, in the Dutch and Portuguese Languages, the full meaning of this Proclamation, so that none may remain ignorant thereof.

And I do further direct the respective Wardmasters to report to His Majesty's Fiscal their having complied with this Instruction, within 48 hours from the date hereof, as they shall answer for the contrary at their peril.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of June, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) C. BIRD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES SOMERSET, &c., &c.*

Whereas it has become necessary to provide a Remedy for the Abuses to which it appears that the Exercise of the Art of Printing, in this Colony, has been found liable, and to fix the responsibility of those who, in future, shall be concerned therein : I have thought proper to order and direct, as I do order and direct, by these Presents :

That henceforth, every Person who shall print any Book or Paper whatever, without the least exception, which shall be meant or intended to be published, promulgated, or dispersed, whether the same shall be sold or given away, shall print upon the Front of every such Paper, if the same shall be printed on one side only ; and upon the first and last Leaves of every Paper or Book which shall consist of more than one Leaf, in

legible characters, his or her name, together with the Place, Street, Square, and Number of his or her Dwelling House or Place of Abode,—on pain that every Person who shall omit so to print his Name and Place of Abode, or in every such Paper or Book printed by him or her, and also every Person who shall publish, promulgate, or disperse, or assist in publishing, promulgating, or dispersing, either Gratis or for Money, any Printed Paper or Book, on which the Name and Place of Abode of the Person printing the same, shall not be printed as aforesaid, shall for every Copy of such Book or Paper so published, promulgated, or dispersed by him, forfeit and pay a Sum not exceeding Two Hundred Rixdollars : and in case the Contents of such Book or Paper be of a Criminal nature, shall moreover remain liable to such other Punishment as the Colonial Law has, or shall have, prescribed.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 11th day of June, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by the 22nd Clause of my Proclamation of the 18th March, 1823, it is directed, that the Corpse of a Slave shall not be interred without permission being first obtained from His Majesty's Fiscal, Landdrost, or Fieldcornet, under whose jurisdiction the Employer, for the time being, resides, under a Penalty of Fifty Rixdollars ;—and whereas it has been represented to me, that it would materially contribute to the regularity of the Death Registers kept in this Colony, if notice

of all Deaths, without exception, were given to the respective Magistrates,—I do therefore hereby order and direct, that henceforward upon the demise of any Person whomsoever, whether he or she be a Christian, or other, (the provisions made on this head in regard to Slaves remaining in full force as heretofore,) the Head of the Family to which such Person belongs, or the nearest Relations of the Deceased, shall give due Notice thereof, if in Cape Town, to His Majesty's Fiscal, within Fourteen Days after such Demise ; and if in the Country Districts, to the respective Landdrosts, in the Cape, Stellenbosch, Swellendam, and Worcester Districts, and in the Residency of Simon's Town, within Six Weeks ; and in those of George, Graaff-Reinet, Uitenhage, and Albany, within Three Months,—under a Penalty of Twenty-five Rixdollars for each neglect. And I hereby further direct His Majesty's Fiscal, and the respective Landdrosts, to keep proper Registers thereof, and transmit Quarterly authenticated Copies of the same to the President and Members of the Orphan Chamber, in order that an accurate Death Register of the Colony may be kept in that Office.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th day of June, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

Government Advertisement.

ENGLISH CHURCH IN CAPE TOWN.

It is proposed to build an English Church in Cape Town, provided Persons should be inclined to engage Pews and Sittings at an Annual Rent, sufficient to defray the Interest of the Capital expended in the Erection of the Church.

To raise the requisite Sum, it is recommended :

1st. That the Pews be divided into three Classes, each bearing a comparative value ; that the Parishioners, and others desirous of having Pews, hire them according to the value of their respective Classes.

2nd. That the Sum of 50 Rixdollars per Annum be given for Pews of the first Class, to accommodate *six Persons* ;—the Sum of 40 *Rixdollars* per Annum for those of the second Class, to accommodate *four Persons* ;—and the Sum of 30 *Rixdollars* per Annum for those of the third Class, to accommodate *three Persons*.

3rd. That the Sum of 10 *Rixdollars* per Annum be given for single Sittings of the first Class ;—that the Sum of 8 *Rixdollars* be given for single Sittings of the second Class ;—and of 6 *Rixdollars* for single Sittings of the third Class.

It is not deemed requisite to accept any Donations towards the Capital to be laid out.

Persons desirous of renting Pews or Sittings are requested to notify the same as early as possible, addressed to “ The Committee for managing the Building of an English Church in Cape Town,” at the Rev. George Hough’s, Colonial Chaplain, No. 6, Reede-street.

Committee.

1. The Rev. George Hough, Colonial Chaplain, *President*.
2. George Kekewich, Esq. Judge in the Vice-Admiralty Court.
3. Walter Bentinek, Esq. Auditor-General.
4. Charles Blair, Esq. Collector of Customs.
5. W. Wilberforce Bird, Esq. Comptroller of Customs.
6. John Marshall, Esq. President of the Bank.
7. M. S. I. Maccarthy, Esq. Colonial Paymaster.
8. R. Crozier, Esq. Colonial Postmaster.
9. William Hawkins, Esq. Agent to the Hon. E. I. Company.
10. The Rev. Thomas Ireland, Military Chaplain.
11. The Rev. F. Fallows.
12. The Rev. W. Wright.
13. The Rev. Henry Collison.
14. R. W. Eaton, Esq.
15. R. J. Jones, Esq.
16. Alexander M'Donald, Esq.
17. William Robertson, Esq.

Seven of the above Gentlemen to form a quorum. The Committee to meet in the Vestry Room of the Reformed Church, on Friday next, the 16th instant, at One *p.m.* and report the Proceedings of the Sitting to His Excellency the Governor.

Cape of Good Hope, 9th July, 1824.

By Command of His Excellency the Governor,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

Government Advertisement.

At a Meeting of the Committee of the South African Public Library, holden on the 15th instant, the following Gentlemen were elected as additional Members to the Committee, viz. :

P. G. Brink, Esquire.

Geo. Kekewich, Esquire.

W. Wilberforce Bird, Esquire.

Walter Bentinck, Esquire.

Which Resolution having been submitted to the Governor, His Excellency has been pleased to confirm.

Cape of Good Hope, 16th July, 1824.

By Command of His Excellency the Governor,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor has been pleased to direct, that from the 19th instant, the Public Library shall be opened every Day, from 12 o'Clock until 4 *p.m.* and from 7 o'Clock until half-past 9 every Evening,—Sundays excepted.

Cape of Good Hope, 16th July, 1824.

By Command of His Excellency the Governor,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Landdrost of Uitenhage has represented to me the necessity of levying a Toll at the principal Entrance to the Town of Port Elizabeth, from the Interior Districts, in order to defray therefrom the Expenses for the keeping in Repair of the Roads leading to that Town, and of the Streets in the same,— I do therefore, by virtue of the Power and Authority in me vested, hereby empower and direct the Board of Landdrost and Heemraden of the aforesaid District of Uitenhage, to cause a Toll Bar to be erected at the aforesaid Entrance, and to levy from every Waggon or Cart passing the same, whether loaded or empty, the sum of 4 Skillings, provided the same be not charged more than once in 24 hours to the same Waggon or Cart ; hereby fully explaining, that all Persons, Civil or Military, shall be liable to this charge, without any exception whatever.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 13th day of August, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that yesterday, between the hours of 9 and 11 A.M., William Edwards (a Convict, under Sentence of Transportation to New South Wales) being on his route to Simon's Bay for embarkation, made his escape at the House of John Carnall, near Wynberg, from the Persons

in whose custody he was placed,—I do hereby offer a Reward of Five Hundred Rixdollars to any Person or Persons who shall bring or give such information as may tend to the bringing of the said Convict, William Edwards, into the hands of the Police.

And in order to give the fullest publicity to this my intention, besides the usual means of making the same known, I do hereby direct each and every Wardmaster, and every Fieldcornet to explain, or cause to be explained forthwith, in their respective Wards and Fieldcornetcies, the full meaning of this my Proclamation, so that none may remain ignorant thereof: And any Person or Persons harbouring or concealing the said Convict William Edwards, after this Notice, shall be proceeded against according to Law.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th day of September, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that the inconvenience to which the Inhabitants of the Residency of Simon's Town are exposed from the necessity of resorting to the Courts of Cape Town, in all Matrimonial and Judicial Transactions, would be obviated by the establishment in that Town, of Courts for the Registration of Marriages, and for the Cognizance of Criminal and Civil Cases; and having given due consideration to the same, I have judged it expedient to appoint Two Heemraden for the purpose of forming, with the Government Resident, Courts for the Registration of Marriages and for taking Cognizance of Criminal and Civil Cases within the Residency of

Simon's Town : And I do hereby direct them to assemble on the first Monday of every Month, at Simon's Town, at which Court the Inhabitants of the Residency shall be at liberty to have their Marriages registered, as customary in this Colony : And I do hereby further direct the aforesaid Government Resident and Heemraden to constitute a Court for the Trial of such Criminal Cases as are cognizable by the Courts of Landdrost and Heemraden, under my Proclamation of the 18th of July, 1817, and of such Civil Cases as can be legally brought before it.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of October, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor having been pleased, at the request of the Ministers of the Reformed Church of this Town, and in conformity to the 46th Article of the Church Regulations, to sanction the Convocation of a General Synod of the Clergy of the Reformed Churches of this Colony, to meet on the 2nd of November next,—Notice is hereby given, that His Excellency has appointed His Honor Sir J. A. Truter, Knight, and P. J. Truter, Sen. Esq. to be Political Commissioners to represent this Government on the occasion.

Cape of Good Hope, 29th October, 1824.

By Command of His Excellency the Governor,

(Signed) P. G. BRINK, Acting Secretary.

[Copy].

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by my Proclamation of the 21st day of June, 1822, His Majesty's Receiver-General was empowered and directed to issue Debentures to such Persons as should be desirous of purchasing the same, under certain Regulations therein detailed, and not to carry the Paper Currency he might receive for Debentures to be so issued by him to the Account of his Treasury Receipts, but to place it apart, and cause it to be publicly burnt and destroyed, in the manner usual with respect to the distribution of worn-out Paper Currency, giving due notice thereof for public information and record.

And whereas from the small number of Debentures hitherto issued, the object intended by the aforesaid Proclamation has not been attained, I do therefore hereby order and direct His Majesty's Receiver-General to make no further issue of Debentures, and I do call upon all Holders of the same to deliver them up, on or before the 31st of December next, to His Majesty's Receiver-General, who is hereby authorised and empowered to pay to such Holders of Debentures the several amounts thereof, with such Interest as shall have accrued thereon, appropriating to that object the Monies now in his hands arising from the Debentures sold in virtue of my aforesaid Proclamation, and which Monies have not yet been destroyed as therein directed.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 12th day of November, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) P. G. BRINK, Acting Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas the Landdrost and Heemraden of Graaff-Reinet have represented to me the necessity of levying a Toll at the Pass called the *Buffelshoek*, situated in the Graaff-Reinet District, in order to defray therefrom the Expenses for keeping the same in repair,—I do therefore, by virtue of the Power and Authority in me vested, hereby empower and direct the Board of Landdrost and Heemraden of the District of Graaff-Reinet aforesaid, to cause a Toll-Bar to be erected at the *Buffelshoek*, which shall be placed under the superintendence of an Overseer, and to levy from every Waggon passing the same, whether loaded or empty, the sum of Four Skillings ; from every Cart, Two Skillings ; from every Individual on Horseback, One Skilling ; and from each Head of Cattle, each Horse, or every Five Sheep or Goats, One Stiver : provided the Sums hereby authorised to be levied, be not charged more than once in twenty-four hours : And it is hereby further ordered, that all Persons, Civil or Military, shall be liable to the abovementioned charge, without any exception whatsoever.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of November, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been reported to me, that on the night of the 13th instant, the Naval Buildings at the Knysna were maliciously set fire to by some wicked and evil-disposed Person or Persons, and that the whole of the Premises on the Establishment, together with the Stores and Household Furniture, were entirely consumed, I, for the better apprehending and bringing to justice the Person or Persons concerned in this atrocious Crime, do hereby promise a full Pardon to any Person or Persons, not being the Principal, who shall discover his or their Accomplice or Accomplices, so that he or they may be apprehended and convicted thereof.

And as a further encouragement, I do hereby offer a Reward of Five Hundred Rixdollars to any Person or Persons as aforesaid, except as is before excepted, together with Freedom to a Slave, should the information be given to His Majesty's Fiscal, or to the Landdrost of the George District, by such.

And in order to give the fullest publicity to this my intention, besides the usual means of making the same known, I do hereby direct each and every Fieldcornet in the George District, to assemble one Slave from every House in their respective Divisions, and explain, or cause to be explained, to such Slaves so assembled, in the Dutch and Portuguese Languages, the full meaning of this Proclamation, so that none may remain ignorant thereof.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 26th day of November, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas by my Proclamation bearing date the 5th July, 1822, it has been ordered and directed, that from and after the First Day of January, in the Year of our Lord One Thousand Eight Hundred and Twenty-seven, the English Language shall be exclusively used in all Judicial Acts and Proceedings in the Supreme and Inferior Courts of this Colony; and whereas the majority of the Population in the Residency of Simon's Town, where I have judged it beneficial also to establish a Court for the cognizance of Minor Civil and Criminal Cases, consists of British-born Subjects, I do therefore hereby order and direct that all Judicial Acts and Proceedings carried on before that Court shall be conducted in the English Language; and I do hereby further order and direct all Persons concerned to take due notice hereof, and to conform themselves to the Provisions of this Proclamation.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 3rd day of December, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that some trifling Errors had been made in the Printed Tariff of Stamp Duties published in my Proclamation under date 30th April last, I

have judged it expedient to revise and correct the same, and it is now republished herewith;—and I do hereby order and direct, that from the date of the publication of this Proclamation, the several Stamps, as fixed in the annexed amended Schedule, be used on all Deeds and Acts therein-mentioned, and to which the Stamps are made respectively to apply.

ARTICLE 1.

Transfers passed at the Secretary's Office.

From	1 to	300 Guilders							<i>Rds.</i>	<i>sts.</i>
			.	.	.	.	.	.	0	6
	300	750	.	.	.	.	.	.	0	24
	750	1500	.	.	.	.	.	.	1	0
	1500	3000	.	.	.	.	.	.	2	0
	3000	7500	.	.	.	.	.	.	4	0
	7500	12000	.	.	.	.	.	.	8	0
	12000	15000	.	.	.	.	.	.	10	0
	15000	20000	.	.	.	.	.	.	15	0
	20000	30000	.	.	.	.	.	.	20	0
	30000	50000	.	.	.	.	.	.	30	0
	50000	75000	.	.	.	.	.	.	40	0
	75000	100000	.	.	.	.	.	.	50	0
	upwards		.	.	.	.	.	.	60	0

ARTICLE 2.

Transfers of Loan Places.

From	1 to	3000 Guilders	.	.	.	.	.	.
			.	.	.	.	.	.	0	36
	3000	7500	.	.	.	.	.	.	1	24
	7500	15000	.	.	.	.	.	.	3	0
	15000	30000	.	.	.	.	.	.	6	0
	30000 and upwards		.	.	.	.	.	.	10	0

ARTICLE 3.

Mortgages passed at the Secretary's Office, Government Bank, and Orphan Chamber.

From	1 to	300 Guilders	.	.	.	.	.	.
			.	.	.	.	.	.	0	12
	300	750	.	.	.	.	.	.	1	0
	750	1500	.	.	.	.	.	.	2	0
	1500	3000	.	.	.	.	.	.	3	0
	3000	7500	.	.	.	.	.	.	6	0
	7500	15000	.	.	.	.	.	.	12	0
	15000	30000	.	.	.	.	.	.	20	0
	30000 and upwards		.	.	.	.	.	.	30	0

						Rds.	sts.
When calculated at /25000 or more, first sheet	.	.	.	.	.	2	0
Each subsequent sheet	.	.	.	.	.	0	12
F. Inventories of Estates, with the valuation :							
From 1 to 500 Rds.	.	.	.	.	.	0	12
500 1000	.	.	.	.	.	0	24
1000 2500	.	.	.	.	.	1	0
2500 5000	.	.	.	.	.	2	0
5000 10000	.	.	.	.	.	4	0
10000 and upwards	.	.	.	.	.	8	0
Each subsequent sheet	.	.	.	.	.	0	12
G. All Accounts of the Orphan Chamber, Tutors, and Guardians, and also all other Accounts by which any common Administration, Receipt, and Expenditure shall be accounted for and settled, except such Accounts as respect any Insolvent Estate, for which indiscriminately only a Stamp of Twelve Stivers is required, are to be written on the following Stamps :							
When the Receipt and Expenditure jointly amount to more than 100 Rds. and are under 400 Rds.	.	.	.	.	.	0	12
From 400 to 1000	.	.	.	.	.	0	24
1000 2000	.	.	.	.	.	1	0
2000 3000	.	.	.	.	.	3	0
3000 5000	.	.	.	.	.	4	0
5000 10000	.	.	.	.	.	7	0
10000 15000	.	.	.	.	.	15	0
15000 20000	.	.	.	.	.	20	0
20000 30000	.	.	.	.	.	30	0
30000 40000	.	.	.	.	.	40	0
40000 50000	.	.	.	.	.	50	0
50000 75000	.	.	.	.	.	75	0
75000 100000	.	.	.	.	.	100	0
100000 150000	.	.	.	.	.	150	0
150000 and upwards	.	.	.	.	.	200	0
H. Deeds for securing the portion of Children from former Marriages :							
From 1 to 500 Rds.	.	.	.	.	.	0	12
500 1000	.	.	.	.	.	0	24
1000 2500	.	.	.	.	.	1	0
2500 5000	.	.	.	.	.	2	0
5000 10000	.	.	.	.	.	4	0
10000 and upwards	.	.	.	.	.	8	0
I. Deeds of Discharge for the receipt of the Portions of those who are instituted Heirs :							
From 1 to 500 Rds.	.	.	.	.	.	0	24
500 1000	.	.	.	.	.	1	0
1000 2500	.	.	.	.	.	2	0
2500 5000	.	.	.	.	.	4	0
5000 10000	.	.	.	.	.	8	0
10000 20000	.	.	.	.	.	20	0

From 20000 to 30000	Rds. 30	sts. 0
30000 and upwards	50	0
K. Pre-Contracts of Marriage, when the sum agreed upon does not amount to more than 1000 Rds.	3	0
From 1000 to 5000 Rds.	6	0
5000 10000	20	0
10000 and upwards	50	0

ARTICLE 6.

Deeds and other Papers connected with the Government Secretary's Office, with the Court of Justice, or other inferior Courts.

Memorials	0	24
Translations	0	12
Loan Leases	5	0
Grants of Land in Freehold, under 10 Morgen	25	0
From 10 to 30	50	0
30 60	100	0
Grants of Land on Quitrent :		
From 1 to 10 Morgen	10	0
10 30	15	0
30 50	20	0
50 60	25	0
60 80	30	0
80 100	40	0
100 and upwards	50	0
Receipts of Rent payable on Land granted on Perpetual Quitrent :		
From 1 to 10 Morgen	0	12
10 30	0	18
30 50	0	24
50 60	0	30
60 80	0	36
80 100	1	0
100 500	1	24
500 1000	2	24
1000 2000	4	0
2000 and upwards	5	0
Original Sentences, first sheet	2	0
Copies of ditto	0	24
Citations, Sommatons, Renovations, and Insinuations	0	24
Reports	0	24
Hand-Bills	0	24
All Demands, Petitions, &c. that are presented to the Court of Justice	1	0
All Copies or Extracts	0	24
Arrests on Persons or Property	1	0

	<i>Rds.</i>	<i>sts.</i>
Deeds of Venia Ætatis	50	0
A Memorial for Venia Agendi	3	0
Reply to the same	0	12

For every subsequent sheet of the said Deeds and Papers, a Stamp of half the value of the first sheet to be made use of, which first sheet must be written as usual on the Stamps ordered by the old Tariff, each Page to contain not more than eighteen Lines, each Line thirty Letters.

Acceptances, Promissory Notes, or private Bonds, filed or exhibited in the Court of Justice, for the sake of recovery, to be covered with a Stamp of half the value of that directed to be used for Bonds executed before a Notary Public, in like proportion to their amount.

Insinuations, Intercellations, Citations, Sentences of the several Courts for Petty Law Cases, and Sommations and Renova-tions on the same, in all Cases not exceeding One Hundred Rixdollars, exclusive of Interest and Costs, to be written on a Stamp of only half the value required in Cases amounting to more than One Hundred Rixdollars.

ARTICLE 7.

Agreements and all other Deeds relative thereto.

<i>A.</i> Contracts between the Inhabitants of the Colony, relative to hiring of Houses and Lands	1	0
<i>B.</i> Hiring of Slaves, also Contracts for Building, or for supplying Victuals, for making Implements, &c.	0	24
<i>C.</i> Contract entered into with Strangers, respecting the supply of Merchandize or of Colonial Produce	1	0
<i>D.</i> Charter Parties for a Ship under 200 Tons or 100 Lasts	10	0
For Ships above 200 Tons or 100 Lasts	20	0
<i>E.</i> Bills of Lading from 1 to 10 Tons.	5	0
10 20	10	0
20 50	20	0
50 and upwards	30	0
<i>F.</i> Bottomry Bonds :		
From 1 to 500 Rds.	1	0
500 1000	2	0
1000 2000	4	0
2000 5000	8	0
5000 10000	16	0
10000 20000	40	0
20000 and upwards.	60	0

ARTICLE 8.

Vendue Notes, or Vendue Accounts, including all other Documents relative to Public Sales.

								<i>Rds.</i>	<i>sts.</i>
A.	From	5	to	10	Rds	.	.	0	6
		10		25		.	.	0	12
		25		50		.	.	0	24
		50		75		.	.	0	36
		75		100		.	.	1	0
		100		150		.	.	1	24
		150		200		.	.	2	0
		200		275		.	.	2	24
		275		350		.	.	3	0
		350		500		.	.	5	0
		500		700		.	.	6	0
		700		1000		.	.	7	0
		1000		1500		.	.	8	0
		1500		2000		.	.	9	0
		2000		3000		.	.	12	0
		3000		4000		.	.	15	0
		4000		5000		.	.	18	0
		5000		and upwards	.	.	.	20	0
B.	Advertisements respecting Public Sales	.	.	.	.	.	.	0	24
C.	Vendue Lists of immoveable and moveable Property	.	.	.	.	.	.	0	24
D.	Copies of Vendue Lists or Extracts out of the same, first sheet	.	.	.	.	.	.	0	24
	Each subsequent sheet	.	.	.	.	.	.	0	6
E.	Agreements of Sale of immoveable Property	.	.	.	.	.	.	2	0

ARTICLE 9.

Privileges and Licences.

A.	Licences for the Vendue Masters, annually	.	.	.	.	.	.	150	0
B.	„ „ Butchers, ditto	.	.	.	.	.	.	50	0
C.	„ „ Bakers, ditto	.	.	.	.	.	.	50	0
D.	„ „ Wine Merchants in Cape Town, ditto.	.	.	.	.	.	.	250	0
E.	„ „ ditto in the Country Districts, ditto	.	.	.	.	.	.	50	0
F.	„ „ Inhabitants of Constantia, Wynbergen, and Steenberg, for grazing their Cattle, ditto	.	.	.	.	.	.	10	0
G.	„ „ Carriers of Firewood, ditto	.	.	.	.	.	.	10	0
H.	„ „ To cut Timber, for each Load	.	.	.	.	.	.	0	24
I.	„ „ For Waggon	.	.	.	.	.	.	0	6
K.	„ „ Boatmen, annually	.	.	.	.	.	.	1	0
L.	„ „ Clubs and Societies, ditto	.	.	.	.	.	.	50	0
M.	„ „ Each Public Billiard Table, ditto	.	.	.	.	.	.	100	0
N.	„ „ Each Tent at the Wharf, ditto	.	.	.	.	.	.	1	0
O.	„ „ To go to the Hot Baths	.	.	.	.	.	.	0	24

	<i>Rds.</i>	<i>sts.</i>
P. Permissions to remain in the Colony	5	0
Q. „ leave the Colony	1	0
R. Letters of Burghership	250	0
S. Special Licence to be united in Marriage, without publication of Bans	200	0
T. Adoptions	1	0
U. Licence for keeping a Retail Shop in Cape Town, annually .	20	0
V. „ for Pedlars and Hawkers, ditto	20	0
W. „ for retailing Foreign Wines and Beer, ditto	200	0
X. „ for the Wholesale Foreign Brandies, and other Foreign Spirituos Liquors, ditto	200	0
Y. „ for brewing Cape Beer, ditto	600	0
Z. „ for retailing Cape Beer, ditto	25	0
AA. „ for retailing Colonial Produce, ditto	5	0
BB. „ for killing Game, ditto	5	0

ARTICLE 10.

Powers of Attorney.

A. A general Power of Attorney, to Persons not residing in the Colony	10	0
B. A special Power of Attorney, to Persons not residing in the Colony, when the object admits of pecuniary valuation, if less than 1000 Rds.	1	0
If more than 1000 Rds.	2	0
C. A general Power of Attorney, to Persons within the Colony .	3	0
D. A special Power to Attorney on ditto	0	24
E. Further, all Deeds of Substitution, Assumption, Surrogation, &c.	1	0

ARTICLE 11.

Protests.

A. Protests of Bills of Exchange, Drafts, or Promises	2	0
B. Sea Protests	6	0
C. Affidavits	1	0
D. Affidavits to be acted upon without the Colony	1	0

ARTICLE 12.

Transfers.

A. Transfer of Mortgage Bonds, &c. not amounting to more than 5000 Rds.	1	0
5000 Rds. and upwards	2	0
B. Transfers of Moveables	1	0
C. Transfers of Slaves by Gift, Sale, or Inheritance	5	0
D. Certificate of Mortgage of one Slave	2	0
E. For each subsequent Slave included in the same Certificate .	1	0
F. Extracts from the Registers of Slaves	1	0

ARTICLE 13.

Civil Servants.

	<i>Rds.</i>	<i>sts.</i>
A. The Deeds of their Appointment or Promotion, when their Salaries amount to no more than 600 Rds.	1	0
From 600 to 1200	3	0
1200 2400	10	0
2400 6000	20	0
6000 and upwards	40	0
B. Admission of Notaries	100	0
Ditto of Attorneys	100	0

ARTICLE 14.

Court of Appeals.

For the Bond Stamp	2	0
Memorial	1	0
Cases,—the first sheet	1	0
Every subsequent one	0	24
Exhibits	0	24
The Sentences	10	0
The Orders of Reference	0	12
Orders of Court	0	6
Reports,—first sheet	0	24
Every subsequent one	0	12

The like Stamps are to be used by the Secretary of the Court, in all Copies.

ARTICLE 15.

Admiralty Court.

Affidavits	0	24
Claims	0	24
Examinations in preparatory on the first sheet	1	0
Every other and each Witness	0	12
Decree of Unlivery	0	24
„ Appraisement and Sale	1	0
„ Removal	0	12
Deeds of Inspection	0	12
Restitution	2	0
„ Delivery	0	24
„ Condemnation	2	0
„ for Answers	0	24
Allegation,—first sheet	0	24
Every subsequent sheet	0	12
Answers	0	12
Minutes of Court	0	12
Papers extracted,—per extract	0	12
Copies,—per sheet	0	12
Letters of Marque	100	0

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 10th day of December, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas I have been given to understand, that the Medicinal Qualities of the Boekhoo (Boego) Plant are held in great estimation in Europe, and that it is probable the demand for that Article may increase to an extent which may prove very beneficial to the Interests of this Colony, provided the necessary measures be taken for its preservation :

And whereas it has been represented to me, that the Persons employed in collecting this Article, not satisfied with gathering the Leaves, or even cutting the Shoots of this Plant, are in the habit of pulling it up entirely by the Roots, or of cutting and hewing it so low down, and in such a manner as to destroy the Plant itself, I have deemed it necessary, for the general Interests of the Colony, to order and declare, and it is hereby ordered and declared accordingly, that any Person who may be convicted before a competent Tribunal, of tearing up the Boekhoo (Boego) Plant by the Roots, or of burning it, or cutting it in such a manner as to injure the further growth of the Plant, shall be deemed guilty of a Misdemeanor, and be fined in a Penalty of not less than Twenty, nor more than Fifty, Rixdollars, for every such Offence, one-third of which shall go to the Informer (provided always, that the Plants so injured or destroyed be not the

private property of Individuals, and cut, or pulled up, or burnt, by their orders): And in the event of the inability of the Offender to pay the Fine awarded, that he be liable to Imprisonment at Hard Labour, for a certain period, not exceeding two Months, for every such Offence.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 31st day of December, 1824.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

A Representation having been made to Government by the Licensed Retail Dealers in Cape Wines, Cape or Foreign Brandies, and other Spirituous Liquors, stating, that very injurious consequences to their interests had arisen from the evasion of the provisions of the Proclamation under date 14th November, 1823, in as far as regards the 11th, 12th, and 13th Articles thereof, whereby the Keepers of Hotels, Eating Houses, or Billiard Rooms, are prohibited (unless provided with a Retail Licence to that effect) from selling Cape Wines, or Brandies, or other Spirituous Liquors, that have not been *bona fide* purchased from the Stores of Retail Licensed Dealers:

It is hereby enacted and declared, that from and after the 15th of the present month of January, all Keepers of Hotels, Eating Houses, or Billiard Rooms, who shall not have furnished themselves with a regular Government Licence for the Retail of Cape Wines, Cape and Foreign Brandies, &c. &c. shall be sub-

jected to the following Restrictions and Regulations in the Sale of all such Wines or Spirits to their respective Customers, &c. viz. :

1st. They shall be prohibited from purchasing any Wine or Spirits whatsoever, excepting in bottle ; and no Wine or Spirits in cask of any size or description, shall be allowed to enter their Houses or Stores.

2nd. They shall further be obliged to send in to the Fiscal, as Head of the Police, on or before the 15th instant, a written account of their present Stock of Wines or Spirits, with the Names of the Persons from whom they were purchased ; and at the end of March next, and at the expiration of every subsequent Three Months, they shall furnish the Fiscal with a further statement in writing, of the quantity of Wine and Spirits received or purchased by them during the preceding Three Months, with the Names of the Persons from whom they received or purchased the same ; and a similar account of the quantity of Wine and Spirits sold by them during the same period, with a Memorandum of the Stock remaining on hand.

3rd. Any Master or Keeper of such Houses or Rooms, who may contravene the above Regulations, or who shall be discovered in an attempt so to do, or who shall wilfully make a false return to the Fiscal, shall, on conviction before a competent Tribunal, be fined in double the amount of the Licence required for retailing the Articles above-mentioned ; and in case of inability to pay such Fine, shall be imprisoned at hard labour at the Tread-Mill, or in the Prison, for a term not less than two, nor more than six, Months, and shall also be for ever prohibited from keeping any such House or Rooms as aforesaid.

4th. All Wholesale Dealers in Cape Wines, Cape or Foreign Brandies, or other Spirituous Liquors, are hereby strictly defended from selling any such Articles, in any quantity whatsoever, to Keepers of Hotels, Eating Houses, or Billiard Rooms, as above-mentioned, unless such Persons are furnished with a regular Government Licence for the Retail thereof, under a Penalty, on conviction before a competent Tribunal, of 1000 Rixdollars for every such Offence.

The Penalties will be distributed in the mode described in the 19th Article of the Proclamation of the 14th November, 1823.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal at the Cape of Good Hope, this 7th day of January, 1825.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Having taken into consideration the state of the existing Intercourse between this Colony and the Inhabitants of the Griqua and other Countries, beyond the Northern Borders, I hereby order and direct that the following Regulations be in future adopted in their regard :—

1st. All Intercourse or Traffick, of every kind, with the Griqua Nation, or neighbouring Tribes, beyond the Northern Frontier of the Colony, is strictly prohibited, except by means of Passports, for every Person or Party so Trafficking, which shall be signed either by the Government Agent, (or any of the Resident Missionaries in his absence,) or by the Landdrost of Graaff-Reinet, or Deputy Landdrost of Beaufort ; and all Colonists Trafficking beyond the Frontier, and all Individuals of the Tribes above-mentioned Trafficking within the Frontier, without being furnished with such Passports, shall be detained until reference can be made to the Local Authorities, or Chiefs of the Tribes, when, if it appears that they have wilfully transgressed the Regulations herein laid down, the Property found in their possession shall be confiscated.

2nd. The Government Agent at Griqua Town, or in his absence the Resident Missionary, is hereby authorised to grant Passports, as above-mentioned, to Persons of good character,

either to proceed to the Chief Towns of any of the Districts, or even to Cape Town, but the Passports must state the exact Place or Places to which the Bearers are allowed to go. These Passports must be limited to the extent which may appear necessary for carrying on the traffick of the Country ; and the Government Agent, or Missionary, must acquaint the Landdrost, or Deputy Landdrost of the Border Districts, of his having given such Passports, with the particulars thereof ; and the Landdrost, or Deputy Landdrost, will, when the Bearer leaves his District for any other part of the Colony, or to return beyond the Frontier, *visé* the Passport under his hand and seal, stating that it is good, to carry the Bearer to the place to which he may be authorised to proceed :—and all Individuals, from beyond the Frontiers, having such Passports, are to be permitted to traffick with the Inhabitants of the Colony, at the principal Towns or Villages, and under the control and superintendance of the Local Authorities, who are hereby ordered and directed to afford them every facility and assistance in their power, and to see that justice be done to them in all their dealings.

From this Traffick, however, Guns and Ammunition are strictly prohibited, express provision for these Articles being made hereafter.

3rd. The Landdrost, or Deputy, of the above-mentioned District, are also hereby authorised to grant Passports to any Hawkers or other Persons belonging to the Colony, of good character and conduct, who may wish to traffick with the Tribes beyond the Frontier, where there is any Government Agent ; but the Persons or Parties holding such Passports must proceed direct to the Residence of such Agent, and place himself entirely under his superintendance and control, so long as he may remain beyond the Frontier, and is by no means to be allowed to traffick in any part of the Interior, without the consent of such Agent.

4th. Printed Passports for the purpose will be furnished from the Colonial Office ; which, when filled up, must be signed by the Landdrost, or Deputy Landdrost, or Government Agent, and sealed with their respective seals.

5th. No Guns or Ammunition are to be allowed to be sold to any individual belonging to the Tribes beyond the Frontier, on

any consideration whatsoever :—and the Fieldcornets are hereby called upon to use their utmost vigilance in checking all contraband traffick of this nature ; and they will be held responsible for any such that may be discovered to have taken place in their Fieldcornetcies.

6th. The Government Agent at Griqua Town will have at his disposal a limited quantity of Ammunition, to be distributed among the Chiefs of the Tribes, for the purpose of hunting ; and a further deposit of Ammunition will be lodged at Graaff-Reinet, for the purpose of supplying his wants in this article from time to time ;—but he is hereby required to send a Quarterly Return of all Ammunition distributed by him, or in his absence, by the Resident Missionary, in duplicate ;—one to Government, and the other to the Landdrost of Graaff-Reinet.

7th. The Government Agent at Griqua Town will arrange with the several Chiefs of that Nation, that all Deserters from the Colony, or runaway Slaves, or Persons travelling without Passports, shall be seized, and forwarded in safety to the nearest Local Authority, who is hereby authorised to pay to the Parties bringing in such Deserters, &c. such moderate expenses as may have been incurred in transporting them from beyond the Frontier.

8th. The Landdrost of Graaff-Reinet will take an early opportunity of paying a visit to the Chiefs of the Bergenaars, to explain to them these Regulations, and endeavour to convince them of the policy of submitting to the Government of the Griqua Chiefs, under whom they formerly lived, and to be on good terms generally with the Griqua People, otherwise they will be shut out entirely from all traffick with the Colony. He will also take every opportunity of explaining to the Chiefs of all the Tribes, that nothing is further from the intention of the British Government, than the idea (which they have got into their heads) of taking away their Children, as Soldiers ; or of interfering with them in any way contrary to their own inclinations—the Government having no interest whatever in its conduct towards them, but that of securing their own peace and happiness.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 27th day of January, 1825.

(Signed) C. H. SOMERSET.

By His Excellency's Command,

In the absence of the Secretary to Government on Public Duty,

(Signed) P. G. BRINK,
Assistant Secretary to Government.

[Copy.]

Government Advertisement.

His Excellency the Governor has been pleased to dissolve the Sub-Drostdy of Cradock, and to establish a New Drostdy in Bruintjes Hoogte, on the spot heretofore known as the Somerset Farm.

The following are the Boundaries of the District of Somerset :

On the South it will be bounded by an imaginary line, drawn from the Sunday's River Port (which is the Westernmost point), following the Summit of the Zuurberg, and crossing the Junction Drift of the Little Fish River, to the point where the Soso falls into the Konap.

On the East, by the Konap River to the Winterberg.

On the West, by the Sunday's River, Little Riet River, Plat River, over the Buffelshoek, in a line with, and including the Fieldcornetcy of, Agter Sneeuwberg.

The Northern Boundary to be that of the heretofore Sub-Drostdy of Cradock, with the exception of the Fieldcornetcy of T. H. Kruger, Agter Rhenosterberg, which will remain with Graaff-Reinet.

The District of Somerset will therefore include the Fieldcornetcies of

P. Bower, Upper Bosjesman's River ; W. A. de Klerk, Bruintjes Hoogte ; a portion of the Fieldcornetcies of S. P. Coetzee, Buffelshoek ; and a portion of that of S. J. Bekker, Riet River (as above described) ; of A. Meyburg, Agter Sneeuwberg ; of P. G. Bothma, Zwagershoek ; of J. H. Steenkamp

Tarka ; of A. Pretorius, Brakke River ; of C. F. van der Nest, Baviaans River ; and of P. J. Erasmus, East Riet River, which includes the whole of the neutral Ground West of the Konap, and North of the Southern Line above described.

The Public Functionaries of the late Sub-Drostdy of Cradock will carry on their respective Duties at Somerset, until further Notice.

Cape of Good Hope, 11th March, 1825.

By His Excellency's Command,

In the absence of the Secretary to Government on Public Duty,

(Signed) P. G. BRINK,
Assistant Secretary to Government.

[Copy.]

Government Advertisement.

New District and Town of Somerset, Bruintjes Hoogte.

On the Premises will be put up for Sale, on Wednesday and Thursday, the 13th and 14th of April next, 94 Erven.

Each Erf will contain One Morgen of Land, being 150 feet in front, and 450 feet in depth. The Town is so laid out, that the front and rear of each Erf will face a Street, thereby enabling a Purchaser to erect a Dwelling-House at each end of his Property.

The situation of the Town is one of peculiar beauty, and possesses unparalleled advantages. The soil is of the most fertile nature, and the whole can be irrigated throughout the year. Upwards of 80 of the Erven have already been brought under cultivation.

Plans of the New Town may be seen at the Drostdy House at Somerset, and at the Royal Engineer Office at Graham's Town.

The Sale will be held on the most favourable terms for Purchasers, as five years will be allowed, on giving good security, for the payment of the Capital, and of the Interest regularly half-yearly.—At the same time will be sold, Saddle and Breeding Horses, Draught and young Oxen, Breeding Cattle, Sheep, Pigs,

Waggons, Ploughs, Harrows, and all kind of Agricultural Implements ; Fustage with Spirits, Tables, Chairs, Blacksmiths' and Carpenters' Tools, Saddles and Bridles, Paints, Oil, Nails, Threshing and Winnowing Machines.

Persons purchasing to the amount of from 500 to 1500 Rds. will have Nine Months' Credit, and those purchasing to the amount of 1500 Rds. and upwards, eighteen Months' Credit, on giving approved security for the same.

Cape of Good Hope, 11th March, 1825.

By His Excellency's Command,

In the absence of the Secretary to Government on Public Duty,

(Signed) P. G. BRINK,
Assistant Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas I have deemed it expedient, for the greater convenience of the Inhabitants of Algoa Bay and Port Frances, and of other Persons resorting thereto for the purposes of Commerce, &c. that the Government Residents at those places shall be empowered to take cognizance of minor Criminal Offences, as well as of petty Civil Causes, arising among the Inhabitants and others : It is hereby enacted and declared, that from the date of the publication of the present Proclamation, the Government Residents at Algoa Bay and Port Frances shall be, and they are hereby invested with full Powers (within the jurisdiction hereinafter defined) to try and determine all such Offences specified in the 91st and 92nd Articles of the Crown Trial, whereon the Punishment awarded by Law does not exceed Six Months' Imprisonment, or a Fine, or Confiscation, to the amount of One Hundred Rixdollars ; and also, to exercise the Magisterial Powers contained in the 95th, 96th, and 97th

Articles of the said Crown Trial: Provided always, that an Appeal shall lie to the full Board of Landdrost and Heemraden of their respective Districts, in all such cases where the Sentence imposes a Fine or Punishment exceeding Fifty Rixdollars, or Two Months' Imprisonment.

The Proceedings in the Prosecution of such Cases shall be the same as are defined in the third Section of the Crown Trial, and as far as relates to the Appeals, shall be the same as those laid down in the fourth Section thereof,—the Secretaries to the Government Residents acting as Public Prosecutors.

And it is further enacted and declared, That the said Government Residents at Algoa Bay and Port Frances shall be empowered to take cognizance of, and to decide upon, all Civil Causes between the Inhabitants and others, within their jurisdiction, where the amount or value in dispute does not exceed the Sum of One Hundred Rixdollars; Provided always, that in such Causes which may exceed Fifty Rixdollars, an Appeal shall lie to the full Board of Landdrost and Heemraden of their respective Districts.

The Proceedings in these Civil Causes shall be summary, and according to the Regulations for the Administration of the Country Districts, Article 130.

The Jurisdiction of the Government Residents of Algoa Bay and Port Frances is for the present limited to the extent of their respective Townships.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 8th day of April, 1825.

(Signed) C. H. SOMERSET.

By Command of His Excellency the Governor,

(Signed) R. PLASKET,
Secretary to Government.

[Copy.]

*Proclamation by HIS EXCELLENCY GENERAL THE RIGHT HON.
LORD CHARLES HENRY SOMERSET, &c., &c.*

Whereas it has been represented to me, that most serious Evils have arisen from the introduction and sale of Spirituous Liquors among the Nations and Tribes bordering on the Frontier of this Colony, particularly on the Northern part thereof,—

I do enact and declare, and it is hereby enacted and declared accordingly, that any Person, or Persons, who may be found selling, or attempting to sell, any kind of Spirits, Wines, Beers, or other Liquors, to any of the above-mentioned Tribes, or to any other Persons whatsoever residing beyond the Limits of the Colony, or who may knowingly be concerned in such Traffick, shall, on conviction thereof before a proper Tribunal, be liable, not only to the confiscation to Government of all such Liquors, &c. but to a penalty not exceeding Five Hundred, nor less than One Hundred, Rixdollars, for every such Offence; and in case of inability to pay such Penalty, to Imprisonment for a period not exceeding Six Months, nor less than One Month.

And in order that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of April, 1825.

(Signed) C. H. SOMERSET.

By Command of His Excellency the Governor,

(Signed) R. PLASKET,
Secretary to Government.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 5th of June last, explaining the grounds upon which you have incurred various items of expenditure which appear in the Accounts of your Government for the year 1819 : and I have now to convey to your Excellency my sentiments respecting this Expenditure in the order in which it has been stated.

The mere consideration of the amount of Revenue which may be derived from any particular source is not sufficient to justify the Establishment which you may authorize to collect that Revenue ; and without being circumstantially informed of the nature of the Wharf Master's duties, and of the degree of responsibility to which those duties render him liable, I cannot finally sanction the Salary which your Excellency has allotted to that Officer and to his Clerks.

I allow the pay which you have assigned to the Commandant of Robben Island.

The appointment of an instructor at Kook Fontein having ceased, I have only to desire that no similar appointment may be made in future without my directions.

I feel it impossible to allow the Pension which has been assigned to the late Landdrost of George, without being informed of the principle upon which this allowance has been regulated, with reference to the age of the Individual, the length of his Services, and the amount of the Emoluments attached to his Office ; all which particulars should have been fully stated and reported for my consideration before the Pension was granted.

I approve the encrease of Salary which has been allowed to the Post Master of the Colony, and to his deputy at Graham's Town.

With respect to the expences incurred in repairing the Wharf, I am well aware that this is a Work which must necessarily be preserved in a proper state ; but I must earnestly request that your Excellency will understand that no expenditure ought to be incurred for works of any description upon the mere plea

that such expenditure was indispensably necessary. I entertain no doubt that the Wharf may have required repair; that alterations may have been deemed necessary in the Prison, and that the Court Hall may have been difficult of access without an additional Staircase; but your Excellency has not satisfied me that these works could not have been delayed until they had received the consideration of His Majesty's Government.

I approve the expence of your conveyance to and from Algoa Bay; but it is impossible that I can sanction the remainder of the charge under that head, without being more particularly informed of the purposes for which it was incurred.

With respect to the house which was originally purchased at Graham's Town for the accommodation of Lieutenant Colonel Willshire, for the reception of the Officers of the new Drostdy, I have to observe that as I am not at present prepared to authorize the building of a new house for the use of the Lieutenant Governor of the Eastern District, the new Drostdy house must be assigned to him, and the house in question appropriated for the residence of the Landdrost, and your Excellency will give directions accordingly.

I shall give directions for relieving you from any surcharge on account of the purchase of the *Sylph*. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 2nd January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 12 of July last, in which you transmit for my consideration a more full explanation than you had in the first instance submitted of the augmentations which you had authorized to be made to the Civil Establishment of your Government, and of various Items of Expenditure which you had incurred during the years 1822 and 1823; and I regret to be under the necessity of acquainting your Excellency

that although much of this Expenditure may appear to have been obviously necessary, yet I perceive but few occasions on which it might not have admitted of a previous reference for the consideration of His Majesty's Government. Under this head I include the whole of the new Appointments, and the encreases of Salary, which I do not consider your Excellency has satisfactorily explained ; and I shall, therefore, take no steps for confirming any part of this expenditure until I receive the Report which the Commissioners of Enquiry have been instructed to prepare on the subject of the Civil Establishment generally. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from HARRY RIVERS, ESQRE., to the SECRETARY TO
GOVERNMENT.*

CAPE TOWN, 2nd January 1826.

SIR,—I have had the honor to receive your letter of the 26th ultimo, transmitting Copy of a dispatch from Earl Bathurst to His Excellency the Governor, with an accompanying Extract from the report of the Commissioners of Enquiry relative to my conduct, as therein alluded to, while Landdrost of Albany, and communicating the desire of his Excellency that I shall, upon receipt of your letter, consider myself as suspended from the duties of my office of Landdrost of Swellendam.

I have read with no ordinary degree of distress the dispatch of Earl Bathurst, directing that I shall be suspended from employment, not only until I shall have satisfactorily vindicated myself from the charges referred to in His Lordship's former Dispatch, but also until I shall have been enabled to account for the neglect of duty which the extract from the Report of the Commissioners has imputed to me.

I have already in my letters to you of the 10th January 1825 and 22nd December last fully explained and vindicated myself to the satisfaction of His Excellency the Governor against the charges referred to in Earl Bathurst's dispatch of the 5th August last, and I have every confidence that His Lordship will also ere now have acquitted me of those charges.

I shall therefore proceed to reply to the points in the report of the Commissioners of Enquiry, which have led to my present suspension, and however painful and overwhelming to my feelings and ruinous to my prospects and family that measure may be, I am convinced that the explanations I have to offer, and the reasoning upon which they are grounded, will acquit me of the degree of negligence of which I am accused, and remove from Earl Bathurst's mind the impressions under which His Lordship has directed my suspension, while I will express my hope that His Excellency the Governor will be induced graciously to receive this reply, and upon the perusal of my explanations to remove the suspension under which I now labor, until Earl Bathurst's pleasure thereon shall have been received.

The principle which appears to have been objectionable, that augmentations of land should be withheld till the original locations became grantable, was the principle of Government, and the system and conditions under which the Emigration has been undertaken were that titles should not be granted till the expiration of three years, and consequently until the grant of the original location had been decided the question of the augmentations could not be considered.

The Memorials for augmentations thus necessarily accumulated until the period for the issue of the grants should arrive, and as no settler was ever prevented from the full use and benefit of the Government Lands adjoining his Location, no evil or injury arose from the delay, and I moreover invariably consented to the occupation and use by the applicants of the lands asked for.

I was induced however in June and July 1822, from an anxiety to meet the wishes of the applicants, to inspect some lands for which Memorials had been referred to me, upon which I then reported, but I did not consider that the infringement of the principle in these instances was injurious to any person. In April 1823, with the same feeling to afford facilitation, I again endeavoured to act upon some other memorials, but from the impossibility of obtaining any information as to the extent and boundaries of the original locations, the diagrams of which I did not succeed in obtaining till June 1823, I stated these difficulties to Government officially on the 19th April 1823, and

the reply to me, dated 2nd May 1823, which says that “*until the locations become grantable His Excellency does not mean to make any additional grants,*” exonerates me from any blame either as to the principle or its consequences.

The Locations became grantable in May and June 1823, but the title deeds not having then reached me, I urged their immediate transmission by my letter of the 7th July 1823, and again on the 23rd October following, with the view to enable me to proceed in the inspections of the additional Lands for which Memorials had been presented, but the title deeds not having been sent to me until the latter part of November, it became impracticable to act upon the memorials for augmentations, as I was then in daily expectation of the arrival of H. M. Commissioners of Enquiry, who had previously left Cape Town on their way to Albany.

The additional lands recommended by me to be granted to certain Individuals by which the rule that had been prescribed is stated to have been violated, I find to be the grants made in 1823 to Messrs. A. Biggar, W. Currie, W. Wait, J. Bradshaw, C. Crause, H. Crause, J. Devine, J. McKenny and Catherine Armstrong. That to Mr. Biggar was a spot at the Mill River near the high road from Graham's Town to Assagai Bush, which was granted to him under special circumstances as a grazing place for his cattle employed in his Waggon Contracts, and was a separate grant, and not an extension of location. That to Mr. Currie was also a separate grant, which I recollect to have recommended on account of the expences and losses he had incurred in building at Bathurst, for which he did not wish to avail himself of any other compensation.

Those to Messrs. Wait and Bradshaw were two of those I inspected in July 1822 under the circumstances I have stated. Those to Messrs. C. and H. Crause were grants made in compensation for losses incurred at Fredericksburg, and were not extensions of locations. That to J. Devine was a very small piece of ground at Assagai Bush, granted for the purpose of building a House of accommodation for travellers, which was much required. Those to J. McKenny and Catherine Armstrong were small lots in Graham's Town, the latter as an act of charity to a person in distress on application, which case is prominent in the pamphlet to which Earl Bathurst's attention has been

drawn, and there made a charge against me. In all these instances I solemnly declare I was not guided or influenced by any personal motives which may possibly have been imputed to me.

That my report in May 1823 did not allude to the general insufficiency of the lands I can best explain by stating that I was not called upon for such a remark, and that the report itself was highly satisfactory to Government, and upon which I received the most unqualified praise and thanks. The form of the Report, which was not prepared by me, was sent to me in blank with directions to fill in the columns, and with regard to its correctness I need only assert that I visited the locations myself, and personally ascertained the objects comprised in it, and that the information it contained was not derived from private sources, which on a review will shew that no want of personal diligence and research can attach to me in drawing it up. In the Inspections which I made I was accompanied by the Land Surveyor and Field Cornet, and I did not appoint a commission from the Board because the memorials were referred from the Colonial Office to the Landdrost individually, and not to the Board.

The next subject is that of not granting small allotments to mechanics, and this was equally a measure of Government. The practice of withholding gratuitous grants of small allotments in Graham's Town was considered to have been rendered necessary by the poverty of the District Treasury, the heavy demands upon which could be partly met by occasional sales of these allotments, and altho' this principle was in some instances broken through, it was at the express command of the Government, or in special cases to Individuals who had established a claim on the Government from having sustained losses from the removal of the seat of Magistracy from Bathurst, or the breaking up of the establishment at Fredericksburg, or for public services performed.

The ultimate advantages or disadvantages of these measures cannot therefore apply to me individually; they might, or they might not, have produced the results expected, and it is not for me to combat or acquiesce in matters of opinion. It is impracticable for me to answer upon what information Government adopted the line of policy pursued towards the English

Settlers, but I can personally and solemnly attest that, tho' I may have taken a wrong or mistaken view of the measures, the whole of my time has been devoted to their affairs, that I have always felt the strongest wish and anxiety for their success, and I have never knowingly neglected their general or individual interests, but so irksome and harassing were my duties, and I saw so little hope of being able, either personally or publicly, to satisfy the claims of the Settlement, that I lost no time, notwithstanding my conduct had not been in any instance disapproved or questioned by Government, in requesting His Excellency the Governor to remove me from my situation, which I urged and urged at various times until His Excellency was kindly pleased previous to visiting the Frontier, to appoint me to the drostdy of Swellendam.

It is admitted by the report of the Commissioners of Enquiry that some of the measures adopted by His Excellency upon his return to the Colony had given much dissatisfaction, and that my appointment was extremely unpopular. With this feeling opposed to me I need not ask thro' what medium my conduct and actions would be viewed and represented, or what motives would be ascribed to them, and if a spirit of distrust or jealousy prevailed from the nature of the Communications between the Governor and myself, such a correspondence may have been considered by His Excellency to have been rendered necessary by the particular situation of the English settlers, and the many difficult and novel questions continually arising, for which the Colonial Laws and usages did not appear to have provided.

The strongest proof I can adduce as to the great difficulty of satisfying the various claims said to have been neglected by me, is that after the minds and wishes of the Settlers had been gratified by the presence of His Excellency the Governor and of the Secretary to Government, and after the employment during several months of a Commissioner for the special purpose of adjusting their claims, and the appointment of a popular magistrate, it was still found necessary to relieve the office I had held from the administration of the large and distant population now forming part of the district of Somerset, with which I was charged, and also to afford to it the assistance of a Resident at Port Frances, and that it has hardly yet been found possible, after the lapse of nearly a year, to accomplish the important

object of adjusting Boundaries and giving Titles to all the augmented grants which have been made by His Excellency.

I am then, I hope, justified in appealing to His Excellency the Governor's knowledge of these facts, and claiming his protection against so heavy a mark of Earl Bathurst's displeasure as that of my suspension.

Of the final issue of my explanations I have no fear, the high principles of justice and equity which distinguish the administration of His Majesty's Government will not allow of one of its officers to continue under a ruinous and distressing censure, even admitting him to have failed in conducting the duties of an office burthened with various and unparalleled difficulties, and I believe I may say as arduous and laborious as any in His Majesty's service.

I have now only to express my anxiety that His Excellency the Governor will lay my justification before His Majesty's Commissioners of Enquiry, whose report having led to the necessity of this statement and to whom I am ready to afford every explanation in my power, I venture to hope they will be induced to express such an opinion thereon as will enable His Excellency to withhold the operation of Earl Bathurst's directions until it will become His Lordship's final pleasure to remove from me the overwhelming discredit and total ruin which now oppress me. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

MALDON, 2nd January 1826.

SIR,—I have taken the liberty of writing to you requesting the favour to be informed if you have yet been able to forward my views for returning to the Cape.

I should not now have troubled you upon this subject if I did not feel my situation absolutely required it.

I trust however my Circumstances which I believe have been already sufficiently explained by Mr. Ellis will induce you to

accept that as my apology for the trouble I am imposing upon you.

I feel perfectly assured from the Conversation you favoured me with the last time I had the honour of an interview that you will use your Influence with Earl Bathurst to accelerate my views, but I trust you will not think me importunate by pressing the subject at this time when I assure you that I am so unpleasantly circumstanced as to require the promptest decision as to my future proceedings. My finances (which have been exhausted for some time) compel me with much reluctance to solicit your early and kind attention to promote my wishes for obtaining some employment as previously mentioned.

I shall esteem it an additional favour if you will do me the honour to inform me whether any further report has yet been made by the Commissioners at the Cape on the subject of the Cape Company.

I can only again apologise for troubling you, trusting it will be ascribed to the proper cause, *that of necessity*. I have &c.

(Signed) D. P. FRANCIS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 3rd January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 197 of the 20 July last, in which you request my sanction to certain Items of expenditure which you have incurred and charged in the Accounts of your Government, for the year 1824.

As I have instructed your Excellency in another dispatch to bring the Department of the Post Office under the revision of your Council of Government, it will be desirable that they should have an opportunity of considering the several appointments which have been made of Postmasters at Plettenberg's Bay and in the Worcester District, and the encrease of Salary to the Postmaster in the district of George.

I approve the appointment of a Wharfmaster at Simon's

Town, subject to your Excellency's report that his Salary, as in the case of the Wharfmaster at Cape Town, has been duly regulated with reference to the nature of his duties.

I must disallow the charge for an additional Boatman at Port Elizabeth.

I have already sanctioned the Building of a Drostdy house at Graham's Town; and I assume that the charge on this account which your Excellency has submitted for my consideration is the amount of an instalment on the sum originally estimated: but as I have directed you to transmit to me a full report on all the Public Buildings in progress, so that I may have an opportunity of considering the whole amount of expenditure which will be required for their completion, I shall expect to receive from you more information respecting the present state of the Drostdy house, of the Church and of the Government house at Cape Town. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* LORDS COMMISSIONERS OF
THE TREASURY.

DOWNING STREET, 3rd January 1826.

MY LORDS,—I have to request your Lordships' attention to the urgent necessity which exists for adopting an early decision on the question relative to the Currency of the Cape of Good Hope, as represented in the Memorial of the Inhabitants of that Colony, and in several preceding communications from the Colonial Government which I have caused to be laid before your Lordships.

Without entering into the merits of the question as originally proposed, I cannot but express my conviction that nothing can be more detrimental to the prosperity of the Colony, or more injurious to the interests of Individuals, than to allow the present state of suspense in regard to the Currency to exist longer than is absolutely unavoidable. I am &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 3 January 1826.

SIR,—A further quantity of Wine consisting of 40 Casks of Constantia having been stated to have arrived at Spithead on the 1st instant from the Cape of Good Hope on board the *Ariadne*; I am directed by Earl Bathurst to request that you will move the Lords Commissioners of His Majesty's Treasury to give the necessary directions that this Wine may be shipped on board the same Vessel, and be forwarded to the Custom House London at the same time with the 50 Casks specified in Mr. Hay's letter of the 26th ultimo. I am &c.

(Signed) R. W. HORTON.

[Original.]

*Letter from LIEUTENANT-COLONEL BIRD to R. WILMOT
HORTON, ESQRE.*

NO. 17 CHARLES STREET,
MANCHESTER SQUARE, 3rd January 1826.

SIR,—I am this moment honoured by your letter of the 31st of last month.

Without in any degree wishing to shrink from anything which is contained in my letter to you of the 22nd of December, I beg to draw your attention to the circumstance that I nowhere said that Lord C. Somerset *told me* that he intended to carry on his Government on a *New System*; in point of fact that information reached me through other channels, and if I expressed myself warmly as to what was going on and what would be the result, it was through the intervention of the only person in whom I believed Lord C. Somerset to have had confidence. After the abrupt and uncourteous removal of Major Jones from the Frontier, on which I did express my sentiments fully to Lord Charles Somerset, I had little confidential intercourse with him.

I cannot better meet the wishes expressed by My Lord Bathurst than by referring you to the replies given by me to the queries proposed by the Commissioners of Inquiry 28th April and 18th May 1825 and generally to my correspondence on various heads with those Gentlemen. These replies it is presumed will be sufficient to satisfy my Lord Bathurst that the assertions of my letter to you are fully borne out. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 4th January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 219.

As I have already acquainted you that I could not sanction the construction of an additional Schooner for the Service of the Kowie, it becomes unnecessary to consider the amount of the expenditure which would be required for equipping a Vessel of that description. I have &c.

(Signed) BATHURST.

[Copy.]

Leading Article of the South African Commercial Advertiser.

The system of Government established and maintained at the Cape was described with considerable minuteness by the Civil Servant, in 1822. He admitted that the absolute Government of one was bad in principle, and that abuses might have existed in every department, were it not for the honor and integrity of the persons in office, their virtue and moderation being the only guarantee for the proper application of the public money, and the proper discharge of public duties. His book was a well written book, and apparently very plausible. The

inexperienced Reader naturally congratulated himself on being the subject of so honest a Government, under which the moral order of Nature seemed to be reversed, and the impunity which naturally leads to abuse in public men seemed only to strengthen and exalt their integrity.

On the arrival of the Commissioners of Inquiry, some Doubts began to be entertained respecting the administration as well as the principle of the Government. It was doubted whether Laws were not made or repealed to answer private purposes or sinister ends—whether the discretional power of the Chief Governor had not been occasionally exerted in screening delinquents, quashing presumptuous merit, and in transferring the fruits of industry to the bosom of sloth and prodigality. It was doubted whether justice was administered with any degree of impartiality in any of the Courts—whether the Auditors of Accounts considered their offices as anything better than mere sinecures, and their duties as mere forms. It was doubted whether men, notoriously needy or insolvent, did in reality apply the public money lodged in their hands to its proper purposes. It was doubted whether certain public charities were fairly administered—and whether the accounts of such charities, in which the distribution was specified, were correct or erroneous. It was doubted whether the mass of the Settlers had not been exposed to destruction by a wavering, wrong-headed, rapacious, or vindictive system of policy. It was doubted whether ignorance, caprice, or incapacity were most prominent in the several methods adopted for securing the Frontier. In short, there was no end to our doubts for the first two years after the arrival of the Commissioners.

But we are now able to state that all our doubts have been removed on these and fifty other similar subjects. We are convinced that the Revenue derived from the Butchers' Shambles, Water-Works, &c. was not employed in withdrawing the excess of the Paper Currency. We are satisfied that the depreciation of the Dollar was beneficial to the Sterling-Salaried men. We are also certain that the Establishment of a Newspaper in this Colony was opposed by Government on the 14th of August 1823—that the Prospectus of the *South African Commercial Advertiser* was published on the 20th December of the same year—that the first number of this paper was published

on the 7th of January 1824 —and that, in the same year, Mr. Cooke, a Merchant, and Mr. Wm. Edwards, a Notary, were prosecuted by the Fiscal—the first for having “written and signed,” the second for having “drawn up and forwarded to His Excellency the Governor, a memorial addressed to the Lords of the Treasury, complaining of the conduct of the Collector of Customs in his office respecting the distribution of Prize Negroes”—that Mr. Edwards was imprisoned by the Court, for one month, for indecorous expressions used by him in his defence—that the *Advertiser* published every week a Report of this Trial—that Messrs. Cooke and Edwards were fully acquitted, and the case dismissed—that a scandalous letter appeared in the *Cape Gazette*, accusing the people of Graham’s Town of a Rebellion by candle-light—and the Rev. Mr. Geary, with many others, of the sin of illumination and cheering and waving of hats, on the arrival of the Commissioners—that the same was contradicted and exposed by the Rev. Mr. Geary and Mr. Burnett—that the Fiscal did not prosecute the libeller—that Mr. Edwards was employed by Mr. Biggar to prosecute the Editor of the *Cape Gazette* for a Libel—that Mr. Edwards was himself imprisoned and prosecuted for some expressions contained in a letter addressed to the Governor—that he was brought to trial, and *denied* having written the letter—that he was condemned, upon *his own confession*, by the Court of Justice, and sentenced to seven years transportation to New South Wales—that the Fiscal informed the Proprietor of the *Advertiser*, that he must not in future publish *parts* of Trials, but wait until the whole were finished, and ordered him to find security, to the amount of 10,000 Rix-dollars, that he would in future avoid the insertion of obnoxious matter into his Paper—that the Fiscal sent for the proof-sheets of the *Commercial Advertiser*, previous to publication, and issued an IMPRIMATUR—that the *Advertiser* was immediately discontinued in consequence of this until application for redress could be made to the Home Government—that the Proprietor of the *Advertiser* was, on the following Sunday, ordered to leave the Colony within a month, and his Printing Materials were sealed up by order of the Governor—that after Mr. Greig had advertised his property for sale, the order for his banishment was cancelled, and permission granted him to remain in the Colony, and that

Mr. Greig refused to take advantage of this permission to remain idle at the Cape—that warrants were issued by the Governor for searching the private papers of the inhabitants, in order to discover any writings of an offensive nature—that the papers of three individuals were searched, but no discoveries made—that great alarm did then prevail in the Colony, but no agitation nor anything blameable or unbecoming on the part of the people—that the *South African Journal* was discontinued on account of the interference of the Fiscal—that a memorial for a Free Press, addressed to His Majesty the King in Council, lay open for signature in Cape Town—that Mr. Thomas Pringle was upbraided by Lord Charles Somerset for having put his signature to this Memorial, he being a Government servant, and that Mr. P. instantly resigned his situation as Sub-Librarian in consequence—that Government Advertised for Editors of Newspapers and Magazines, offering them great facilities in the exercise of their calling—that Mr. Burnett was tried for libellous expressions contained in an application to the Governor, and was banished from the Colony—that Mr. Edwards, on his way from Robben Island to the Convict Ship, gave his guide the slip, near Wynberg, and concealed himself—that the Military, the Police, the Fiscals, Members of the Court of Justice, &c. proceeded with great speed to the neighbourhood of Wynberg, and that a commando was ordered out to pursue and secure the fugitive—that Captain John Carnall, at whose house he had breakfasted, and the Denaar who had had him in charge, were taken into custody—that Edwards was discovered and attempted to kill himself, but was prevented and put in irons, and conveyed to the Convict Ship—that Captain Carnall was tried for aiding his escape, and banished from the Colony—that the Types taken from Mr. Greig were sold to Mr. William Bridekirk by private sale—that sixty-one gentlemen, viz. one Chief Justice, two Members of the Court of Justice, one Deputy Fiscal, two Advocates, one Notary, one Field Cornet, one Vice Consul, one Doctor of Divinity, three Clergymen, two Doctors of Medicine, six Surgeons, two Apothecaries, two Chemists, and thirty-six others, attempted to institute a Literary Society in Cape Town, but were opposed and thwarted by the Governor, and compelled to relinquish the undertaking. We are also certain (because we saw it), that at a meeting of Subscribers to

the fund for the relief of Distressed Settlers, Mr. W. Bird moved that the Local Authorities of Albany should be added to the List of the Sub-Committee for the distribution of the fund, and that the motion was rejected with contempt, owing to some information laid before the meeting by Dr. Philip and Mr. Rutherfoord—that a Pamphlet was printed at the Government Press, defending Mr. Rivers (who it seems was the Local Authorities) in which he demanded legal redress from His Excellency for the injury done to his character—his relative situation in life rendering it impossible for him to descend to any other mode of enforcing satisfaction—that Dr. Philip and Mr. Rutherfoord replied to this, proved all their charges, and many more, some pecuniary mistakes in the management of another charity among the rest—that Mr. Rivers sat down to write another answer, but that this answer turned out an admission—that Mr. Geary was dismissed from his office of Military Chaplain at Graham's Town—that Mr. Rivers was promoted to the Drostdy of Swellendam—that a scurrilous Pamphlet was printed at the Government Press, without the Printer's name, contrary to the Law in that case made and provided a few weeks before. We are moreover well assured that Mr. Greig's complaints were received with impartiality and fairness by His Majesty's Government—that he was permitted to return to the Colony, and re-commence his Newspaper, with an assurance that he should meet with no further hindrance or molestation in his labors.

But why proceed with these disjointed recollections? The REPORT of the Commissioners of Inquiry will soon enable us to see the very heart of the machine, while we can only play upon the surface.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5th January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 2nd of September last, reporting the purchase of a lot of ground in Graham's Town, with the view of attaching it to the Parsonage as Glebe Land;

and I have to convey to you my approbation of this purchase, with the understanding that the Clergyman's Salary shall be reduced to the extent of the Interest of the purchase money.

I have &c.

(Signed) BATHURST.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
on MR. HUGH HUNTLEY'S case.*

CAPE TOWN, CAPE OF GOOD HOPE, 5th January 1826.

MY LORD,—We have the honor to forward a Memorial that has been sent to us for transmission to Your Lordship by Mr. Hugh Huntley, an Inhabitant of the Uitenhage District, and in which he complains of the acts of the Colonial Government in having subjected him to trial on a charge of libel against the Landdrost of that District Lieutenant-Colonel Cuyler, in a Memorial addressed by him to the Acting Governor Sir Rufane Donkin in the year 1820.

The Prosecution appears to have been founded upon the same principle of Law that we had occasion to bring to Your Lordship's notice in the cases of William Edwards and Bishop Burnett, but we observe that evidence of justification of the passages of the Memorial that were deemed to be libellous was received by the Court, and noticed in its Sentence. The Prosecution itself being founded upon a Memorial presented by Mr. Huntley to the Acting Governor, and complaining of certain acts of injustice and corruption on the part of Lieutenant-Colonel Cuyler, is however open to all the objections to which those of Edwards and Burnett were liable; and the circumstances that occurred in its progress and that were established in evidence did not tend to lessen the force of them.

Your Lordship will not fail to observe that amongst the Papers that were transmitted to the Commissioned Members of the Court of Circuit by whom this action was to be tried, was a Letter of the Acting Governor, in which he recommended that Mr. Huntley should not be allowed to bring forward other

matter than what he had alleged in the Libel then transmitted, lest the Proceedings should be thereby considerably protracted.

We believe that it has been customary in prosecutions of this kind for the Fiscal to submit to the Court the Letters or Instructions that he may have received from the Colonial Government and that authorized or directed the Prosecution. We are however compelled to state that this is the only instance that has come to our knowledge in which a direct interference with the proceedings of the Court of Justice has been made by the Person at the Head of the Government, or in which it has been attempted to limit the legal discretion of the judges by considerations of mere expediency.

At the end of the Memorial of Charges against Lieutenant-Colonel Cuyler for which Mr. Huntley was prosecuted, he has pledged himself to prove them all, "and much more." It is hardly necessary for us to state that a charge so vague and loose would not be considered admissible in the criminal procedure of any Court professing to be guided by the most ordinary and simple rules, and we therefore cannot forbear to express our regret that such an admonition should have been considered necessary by the Acting Governor, or have been placed on the Records of the Court of Circuit of the year 1820. As Mr. Huntley has appealed to the Records themselves, we do not think it necessary to trouble Your Lordship with a recapitulation of the evidence. We would only beg leave to observe that the charge made against Lieutenant-Colonel Cuyler of representing to an Inhabitant of his District (Mr. Maré) that some land that he intended to apply for between Uitenhage and the Sea would not be granted to him, as the Colonial Government had more than once refused it to himself, and of then afterwards using his influence to obtain it, is perfectly true, and we consider the Grant to have been so objectionable on public grounds, and more especially after the extensive Tracts of Land that had been conferred upon Lieutenant-Colonel Cuyler in the District, including the confirmation of a Loan Place that he had acquired adjoining to the Town Lands, that when Colonel Cuyler was exerting his influence to deprive the Hottentots of Bethelsdorp of some Land adjoining to their Institution, in favour of Mr. Maré, the person above alluded to, we felt it our duty to bring the subject to the consideration of

the Governor who in the early part of last year was proceeding to the Frontier Districts, and we took the same occasion to notice to him some other points respecting Colonel Cuyler's conduct that had been communicated to us in the course of our inquiries in the District over which he presides as Landdrost. One of these consisted of the employment on his Farm of some Hottentots who had been sent to assist in the defence of Uitenhage against the Caffres, and at a time when they were rationed at the Public expense.

We conceive that if the conduct of Colonel Cuyler on this occasion had been brought directly to the knowledge of the Government, his immediate dismissal would have followed, and nothing but a consideration of the length of time that has elapsed since it took place, and of the connection that it appeared to have with the general System of appropriation that the Landdrosts of the Districts have been allowed to make of the services of Government Labourers, would have induced us to delay our early communication of the circumstances to Your Lordship.

The Charge made by Mr. Huntley against Colonel Cuyler for compelling a Boor named Van Rooyen to sell to him a quantity of Flour for a less sum than he had agreed to sell it in the Market we believe to be perfectly true, and that Van Rooyen in the evidence that he gave on that Trial was guilty of gross Perjury. He brought an action against Mr. Huntley for making that assertion and for defamation of Character, which was dismissed with Costs by the Commissioned Members of the Court of Justice, but was afterwards reversed by the Court of Appeals.

The Record of the Trial of Mr. Huntley exhibits the same course of irregular interrogation that we have noticed on former occasions, and which in the future alterations of the Colonial Judicature we shall hope to be able to correct.

In the consideration of these Proceedings, we request Your Lordship's attention to the very large amount of Costs that Mr. Huntley was condemned to pay upon this occasion, arising principally from the expence incurred by the Colonial Government in sending Mr. Lind, the Deputy Fiscal, from Cape Town to Uitenhage to conduct the Trial. The charge made on this account amounts to the sum of 2,057 Rixdollars, and we think

that it might have been avoided by the appointment of the Secretary of one of the neighbouring Districts, more especially as Mr. Huntley was unprovided with any professional assistance, and pleaded his cause in person. Under these circumstances we venture to recommend that this sum should be refunded to Mr. Huntley by the Colonial Government.

In concluding these remarks, we beg leave generally to observe to Your Lordship that the conduct of Colonel Cuyler as Landdrost of Uitenhage has given much dissatisfaction in the District, and that his acquirement of considerable tracts of Land in it to the extent of 32,060 Acres, has given him a local interest that we conceive to be incompatible with the due discharge of some of the most important duties that devolve on him. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MISS SARAH DEVENISH to EARL BATHURST.

34 LANT STREET, BORO', *January 5th 1826.*

MY LORD,—I presume on the very great liberty of memorialising Your Lordship for a free passage on board the *Barbara* now going to the Cape of Good Hope, as I have an only brother, Lieutenant John Devenish, settled in that colony some years, and am myself an orphan and will be totally destitute on the widow of Lieutenant Stretch embarking on the 7th instant for the Cape, unless you, My Lord, will take my case into your gracious consideration by humanely ordering me a passage in the same ship with the widow Stretch, who was recommended to Your Lordship by General Bourke, now on his passage to that Colony. I have &c.

(Signed) SARAH DEVENISH.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 6th January 1826.

MY LORD,—I have had the honor to receive your Excellency's Dispatch No. 222 of the 10th of September last, in which you request my sanction to the Contingent Expenditure which you have been under the necessity of incurring during the last year for clothing the Lunatics and Convicts on Robben Island, and I have to acquaint your Excellency that I see no objection to this expenditure which you will consider yourself authorized to charge in future as a fixed Contingency.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS OF ENQUIRY.

CAPE OF GOOD HOPE, 6th January 1826.

GENTLEMEN,—Having received on the 24th ulto. a Dispatch from Earl Bathurst (of which the enclosed is a copy) covering an extract of a report made by you to His Lordship relative to the conduct of Mr. Rivers, while acting as Landdrost of Albany, with directions from His Lordship to cause that Gentleman to be suspended from public employment until he had explained in a satisfactory manner, not only the charges brought against him by Dr. Philip in his Pamphlet, but also the neglect of duty imputed to him in your Report abovementioned, I have the honor to inform you that I lost no time in carrying His Lordship's Instructions into effect.

I have since received from Mr. Rivers an explanatory letter on the subject of that Report, copy of which, at his request, I have the honor to transmit to you. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MISS SARAH DEVENISH.

DOWNING STREET, 6 *January* 1826.

Mr. Hay is directed by Earl Bathurst to acknowledge the receipt of Miss Sarah Devenish's Memorial of the — instant and to acquaint her in reply that for the reasons already assigned to Miss Devenish, his Lordship cannot comply with her request.

[Copy.]

*Letter from MR. GEORGE GREIG to the SECRETARY TO
GOVERNMENT.*

CAPE TOWN, 6 *January* 1826.

SIR,—As the new publication entitled “The New Organ” will appear to-day, I beg (as agent to Mr. Fairbairn) to know whether the same indulgence with respect to *postage*, will be extended to the new organ, as to the other periodical publications. I have &c.

(Signed) GEO. GREIG.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 7th *January* 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 224 of the 16th of September last, stating that you have incurred an expenditure of £522 7s. 6d. for building ferry Boats for the service of several Rivers in the Swellendam and George Districts.

As your Excellency has given me no reason to hope that this expenditure will be reimbursed to the Colonial Treasury, I must express my regret that it has been incurred ; for although I fully appreciate the advantages which the public must derive from a free and uninterrupted intercourse with the Interior of

the Colony, yet I cannot admit that the Colonial Government is bound to defray the charge of conveying the Mails, without receiving in return a Revenue adequate to defray such charge ; and I have therefore to desire that your Excellency will bring the whole arrangements connected with the Service of the Post Office under the immediate consideration of the Council of your Government, with the view of devising the means of bringing the expenditure of this Department within the Revenue which it produces, either by diminishing the number of mails dispatched, or by a moderate encrease of Postage ; and you will report for my information the measures which you may eventually adopt for giving effect to my directions. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th January 1826.

MY LORD,—In transmitting to your Lordship the accompanying List of Alterations which have been made in the Civil Establishment of this Colony during the last quarter, I deem it necessary to write distinctly to your Lordship on the subject of the temporary appointment of a Joint Sequestrator to bring up the arrears of that Department, and of an additional Clerk for the current business, as also of the permanent appointment of a competent Bookkeeper to the Sequestrator.

The state of this Office was such, owing to the vast accumulation of business which has fallen upon it for some years past, that it was quite impossible to get thro' it, and the late Sequestrator, one of the most respectable men in the Colony, but who was obliged to be removed from the Office on account of age and infirmities, had allowed such an arrear of business to accumulate that it was impracticable for his Successor to attend to the current business unless the arrears were taken off his hands.

I was therefore under the necessity, with a view of doing justice to the public interests, to nominate a Joint Sequestrator to take charge of the arrear of business, and to give him an Assistant, and to appoint a competent Bookkeeper to

the Sequestrator's Department, and I have to request your Lordship's sanction thereto. I trust the appointment will not be of long duration. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

List of unfixed contingent expenses exceeding in amount two hundred pounds sterling, and appearing in the accounts of the Government of the Cape of Good Hope for the Quarter ending 31st December 1825, which require the Sanction of His Majesty's Secretary of State for the Colonies.

1825. Nov. 14.	The appointment of D. J. Kuys Sequestrator as joint sequestrator for the purpose of bringing up the arrears of that Department at the rate of	£250 per annum.	Justice to the public demanded that additional assistance should be given to the Sequestrator to enable him to conduct the duties of his Department efficiently, and the annexed Copy of that officer's representation to Government upon the subject will shew how necessary it was to appoint an Assistant to bring up the arrears of business that had accumulated. It may be well to observe that the Situation is temporary.
Below the amount authorised to be incurred.			
	The appointment of C. Gie as Clerk to Do.	£45.	Necessary to assist the Joint Sequestrator in the discharge of his duties.

[Enclosure 2 in the above.]

SEQUESTRATOR'S OFFICE, 17th August 1825.

SIR,—Having on entering upon my present Functions made it my principal and indefatigable study to adopt such measures as in my opinion appeared best adapted to establish in this Department not only order, regularity and a system tending more to the object, but also to ensure a continuance of the same, after an experience of more than three months, and after

having minutely investigated into, and attentively observed all the duties required of this Department, I feel myself under the obligation of representing to you, requesting that you will be pleased to submit the same to His Excellency the Governor, that unless more assistance is afforded to this Office, the same cannot be brought and far less kept in that systematical Order which Government as well as myself most anxiously anticipate, for it already appears that, owing to the daily encreasing transactions, which will be proved to you hereafter, notwithstanding from eight to nine hours are daily devoted by myself as well as my Assistant, occasionally assisted by some of the inferior Officers of this Department, far from gaining upon the official business since my appointment, the same is gradually getting behind hand, there being more duties to be performed than, in spite of all exertions and activity, can be executed ; I therefore deem it a duty incumbent on me to represent this case, in order that, if I *unexpectedly* should not succeed in these my endeavours, and Government consequently be disappointed in its expectations, this may not be attributed to me, should I be able to prove my energy and unremitted zeal towards the reorganization of this Department.

In order to enable you to lay before His Excellency the Governor a correct statement of the various duties which are to be performed by the different officers under my superintendence, I beg leave to intrude upon your time by the following detail viz. :

The Sequestrator is during the office hours solely occupied by hearing the numerous parties who have various inquiries and communications to make, whereas the correspondence, which at present is very voluminous, as will appear by the Letter Book, especially with the Country Districts, as well as all his other official duties must be performed after the office is closed, the consequence of which has been that since my appointment I have been prevented from forming one single liquidation, and only one distribution account of an Estate.

Deputy Sequestrator. His principal duties are to receive monies and make payments, connected as well with the different estates administered here, as with the execution and liquidation of all sentences ; these duties have encreased in such a measure, (in the year 1818 when the Sequestrator's Department was

organized the number of sentences lodged for execution during that period amounted only to 895 whereas last year there were 1613) that the Deputy Sequestrator is not only entirely prevented from attending the Executorial Sales, when the Sequestrator or Head Clerk are otherwise employed, but even necessitated to bring up his different books at home, after the hours allotted for the performance of official duties are passed, whereby he is totally unable to render the Sequestrator any assistance whatsoever, and in the event of any unforeseen circumstance happening by which he is prevented from so doing, and being overtaken by the business of the following day, very often in spite of all his exertions falls short in properly bringing up his accounts.

The Head Clerk is chiefly charged with registering the Sentences lodged for execution, and all other duties arising therefrom and connected with the same ; the encrease of the duties required of him has proved the impossibility under the circumstances before recited to perform the same with that punctuality as its nature requires, for he being charged with the receiving and securing of Sentences, is obliged to await the Persons appointed by him, whose number frequently consists of from 50 to 60, of which however very often only a fourth part appear, the consequence thereof is that the other sentences against those who do not appear remain unsecured, as the Head Clerk is not in the possibility for the above-mentioned reasons to repair in commission to their Dwellings, notwithstanding which he is obliged to attend those Sales, as well in as out of Town, where the Sequestrator or his Deputy are prevented from officiating, from which cause, even since my appointment many of the Sentences lodged for execution (several whereof are against Individuals living in the Cape District) have not as yet been secured, exclusive of a number of Sentences amounting to very near one thousand from the Burgher Senate found by me in this Office, and with which nothing as yet appears to have been done.

The Book-keeper, being charged with his Ledger and Journal, cannot properly be employed on any other Duty without taking from him the responsibility of bringing said Books up regularly every day, regarding which Officer I however in my conclusion will take the liberty of making some observation.

The Vendue Clerk, for the want of sufficient assistance, is obliged to perform other duties exclusive of the Vendue Department, which has occasioned that this branch of duty has also become in arrear, and has given cause to complaints.

The second clerk keeps the Register of Sentences lodged for execution, which is laid before the Worshipful the Court of Justice, and performs the current business of the office, whilst the third clerk is constantly employed in writing letters and keeping up the Letter Book together with the Diary.

After this statement I do not doubt but the urgent necessity of immediately providing for this deficiency will sufficiently appear to you, upon which grounds I take the liberty of requesting the assistance of another properly qualified head clerk and one similar ordinary clerk, who must be acquainted with official business, the first of these might be charged with executing the different Commissions, of taking security and arresting goods from those individuals residing as well in Cape Town as in the Cape District who do not appear on the requisitions served on them, likewise with the attendance at all executorial Sales, besides which the several duties then might be more regularly and systematically divided amongst the other Officers of this Department.

The office of Book-keeper to this Department being of the most essential nature, it requires to be filled by a person fully competent for that important Situation, wherefore I would suggest, should His Excellency the Governor be pleased to augment the number of Officers of this Department as proposed by me, that the present Book-keeper be appointed second Head Clerk.

I have also experienced not only a very great inconvenience but hindrance in carrying sentences into prompt execution from the want of a proper warehouse, in order to enable me to cause the goods either given up or arrested for the recovery of those Sentences to be deposited immediately, so as to have them at my disposal when the sale is to take place, the rent of which might be recovered by charging storage on such articles when the estates or sentences are liquidated.

Another great cause of the irregularities which exist in this Department has arisen from persons being appointed as Agents in the Country Districts, who are not under the immediate

control of Government, and as their remuneration is but very trifling, do not exert themselves in the due performance of that duty, which has given rise to the numerous complaints laid before Government, there being at this moment several sentences, some of which appear to have been transmitted for enforcement to some of the Country Districts even as far back as one or more years ago, and still unaccounted for. I therefore most strongly recommend that under the present regulations all the Agencies of this Department henceforth be entrusted only to persons holding responsible and situations of trust under Government. I have &c.

(Signed) V. A. SCHÖNNBERG, Sequestrator.

To the Chief Secretary to Government.

[Enclosure 3 in the above.]

List of Appointments on the Civil Establishment of the Government of the Cape of Good Hope conferred during the quarter ending 31st December 1825, which require the sanction of His Majesty's Secretary of State for the Colonies.

Officer.	Date of Appointment.	Amount of Salary per annum.	Remarks.
Chaplain to the Township of Port Elizabeth Rev. Mr. McClelland ..	1 October	£150 0 0	The request of the Church Committee at Port Elisabeth that a clergyman might be appointed to the Church at that place having been referred to Earl Bathurst, his Lordship was pleased to authorize the appointment, and the expense to be paid out of the Colonial Funds, by Despatch dated 25th September 1824. I therefore removed Mr. McClelland from Clan William, where the Population is extremely limited, and at the request of the Committee placed him at Port Elisabeth. The vacancy at Clan-William has not yet been filled up.

List of Appointments, &c.—continued.

Officer.	Date of Appointment.	Amount of Salary per annum.	Remarks.
Church Clerk at Do. W. R. Hillon	5th Dec.	13 6 7½	Consequent upon the foregoing appointment.
A female attendant upon the sick and infirm in the Gaol at Grahamstown	1 Oct.	4 10 0	Reported necessary by the Landdrost, vide Copy of his letter dated 20th December 1825.
An additional constable in the Albany District ..	29 Oct.	4 10 0	Vide annexed copy of a letter from the Secretary to the Court of Appeals, dated 3rd September 1825, representing the necessity of additional assistance for the despatch of business in his office.
Additional Clerk in the Court of Appeals Office, D. de Jongh ..	3 Oct.	18 0 0	
Clergyman at Somerset, Rev. W. Morgan	25 Oct.	150 0 0	Mr. Morgan was provided for in consequence of the directions conveyed in Earl Bathurst's despatch dated 11th July 1825.
Church Clerk at Do., Geo. Aldrich	24 Nov.	13 6 7½	Necessary in consequence of the appointment of a Minister at Somerset.
Bookkeeper in the Sequestrator's office, D. Wentzel	17 Nov.	112 10 0	The encrease of business in the Sequestrator's Department rendered the appointment of a competent Book-keeper indispensable, vide annexed copy of a letter from the Sequestrator dated 28th October 1825.
Messenger in the Auditor's and Colonial Paymaster's offices, Patrick Kelly	8 Dec.	27 0 0	Repeated applications had been made by the Auditor General for a Messenger for his Department, and the Colonial Paymaster having moreover made a similar application, a messenger was appointed at the trifling Salary here stated to both the Departments.
*Two additional Field Cornets in the Graaff Reinet District	25 March and 23 June	15 0 0 15 0 0	Upon the representation of the necessity of these appointments by the Landdrost of the District.

* These appointments are now included in this Application, having been omitted to be inserted in the former Lists.

List of Appointments, &c.—continued.

Officer.	Date of Appointment.	Amount of Salary per annum.	Remarks.
*Additional Field Commandant in the Albany District	1st April	22 10 0	Upon the representation of the Landdrost of the necessity of an additional Field Commandant being appointed to his District.
*Master of the Grammar School at Bathurst, Rev. Wm. Boardman	4th April	100 0 0	The want of an Instructor in the Albany District induced me to create this appointment, and in supplying the means of education in the colony I have followed up the benevolent intentions of H.M.'s Government in this regard. Mr. Boardman was nominated to this situation on the 19th September 1823, but the School not having commenced prior to the 4th April 1824 he was only entitled to salary from this date.
*An additional constable in the Albany District	1st July 1825	4 10 0	Reported necessary by the Landdrost, vide copy of his letter dated 20th December 1824.
*Additional Postholder at Stellenbosch	1824 19 October	15 0 0	The establishment of a Post between Stellenbosch and the Paarl having been recommended by the Postmaster General, vide copy of his letter dated 21st September 1824 hereto annexed.

* These appointments are now included in this Application, having been omitted to be inserted in the former Lists.

[Enclosure 4 in the above.]

List of Encreases to Salaries of Civil Servants on the Establishment of the Government of the Cape of Good Hope made during the Quarter ending 31st December 1825 which require the sanction of His Majesty's Secretary of State for the Colonies.

Officer.	Date of Encrease.	Proposed encrease to present salary,	Remarks.
Harbour-Master at the Knysna ..	1st Oct.	30 0 0	On a late change which was made in the appointments of Harbour Masters at Port Frances and the Knysna, the salaries of each were made equal at 1200 rixdollars or £90 Sterling per annum. The Harbour Master at the Knysna had previously only Rds. 800 or £60, but there was a Custom House Officer with a salary of Rds. 1000 or £75 per annum. This office has now been done away with, and the Harbour Master now acts as Custom House Officer. On the other hand the Harbour Master at Port Frances receives Rds. 1200 in lieu of Rds. 1500 or £112 10 per annum which was formerly the Salary, so that by this arrangement an annual saving has been made of Rixdollars 900 or £st. 67.10
The Postholder, C. Rademeyer of the Uitenhage District	28 Nov.	7 10 0	This trifling compensation was authorised under the peculiar circumstances of the difficulty of the hill over which the postholder Rademeyer had to convey the Mail.

[Enclosure 5 in the above.]

GRAHAM'S TOWN, 20th December 1825.

SIR,—I have the honor herewith to transmit the Abstracts of Salaries of the fixed Establishment of this District for the Current Quarter.

I beg at the same time, adverting to the abstracts of salaries forwarded by me for the last quarter, to state that the salary of a Hottentot named Kittledorp, who was employed as a Black Constable at that period, and for whom the usual allowance of five rixdollars per month was charged, has been rejected by the Auditor General on the plea of there not being any authority for the employment of more than two persons of that description; and I have the honor therefore to request that you will be pleased to submit, for the consideration of His Excellency the Governor, that in future there be, at least, four Black Constables allowed to be employed in this District, as from the increase of population, the good order and security of society require prompt and vigilant measures, which can only be carried into effectual operation by having allowed for the Public service a sufficient number of Subordinate Agents.

I have also to request that, as the cleanliness of the Public Prison and of the prisoners, particularly such as are sick and infirm, require the services of a female, you will be pleased to submit to His Excellency that a Hottentot woman be allowed to be employed in the Prison at the same salary as the Black Constable, and that the appointment of the Hottentot Leentje, whose name appears in the accompanying abstract, she having been employed during the whole of this quarter, be confirmed by His Excellency. I have &c.

(Signed) W. B. DUNDAS, Landdrost.

To the Secretary to Government.

[Enclosure 6 in the above.]

COURT OF APPEALS OFFICE, September 3rd 1825.

SIR,—I am directed by His Excellency the Judge in Appeal to lay before you, for the consideration of His Majesty's Government here, the Situation of the Clerks of this office as to the

very low state of their salaries, the length of services of two of them, as well as the necessity of an increase of an additional one for the dispatch of business.

Mr. J. B. Serrurier, the chief clerk, has been 17 years on the Establishment, and has at present a Salary of 1200 rixdollars per annum.

Mr. A. J. van Breda has been 9 years, and has a salary of 700 rixdollars per annum.

Mr. Long has been 6 months, and has a Salary of 400 rixdollars per annum.

Mr. J. C. Skikkerling has been near 3 years at a Salary of 240 rixdollars per annum.

The Messenger Jonker has 300 rixdollars per annum ; he has long been an invalid, and since his illness I have had no one to perform his duties.

From the encreasing number of mercantile causes and the parties ultimately interested residing in England, a great number of additional appeals to England have taken place, consequently a greater demand for copies of the whole of the proceedings in those cases have been and are daily required ; that increase has augmented the amount for copying paid into Government.

The length of the services of the two first gentlemen, and the lowness of the salaries of the whole, are it is submitted too obvious to require comment, and the difficulty of procuring young gentlemen of decent education to enter the office at the present inadequacy of the appointments but too evident from the shortness of time they remain before they quit for other more lucrative situations. I have &c.

(Signed) THOS. ROWLES,
Secretary to the Court of Appeal.

To the Secretary to Government.

[Enclosure 7 in the above.]

SEQUESTRATOR'S OFFICE, 28th October 1825.

SIR,—With reference to my letter of the 17th August last, I am now under the urgent necessity of representing to you, for the information of His Excellency the Governor, that from the rapidly encreasing duties of this Department, (respecting

which I only beg leave to refer you to my Advertisements in the last Cape Town *Gazette*) unless I obtain the assistance of a competent Bookkeeper and a clerk, qualified to be charged with keeping my Diary and correspondence, especially with the Country Districts, it is entirely impracticable for me to cause the required attention to be paid to the business of this Department, and consequently to give that satisfaction which very justly is expected by Government as well as the Public. I therefore take the liberty of requesting this addition of officers ; should his Excellency the Governor be pleased to consent thereto, one of my junior clerks may be removed to some other office, and whenever the duties will anywise admit of a decrease of my Establishment, I shall immediately report the same, when the present Bookkeeper, whose services cannot as yet be dispensed with, may also be removed to some other department.

I have &c.

(Signed) V. A. SCHÖNNBERG, Sequestrator.

To the Secretary to Government.

[Enclosure 8 in the above.]

POST OFFICE, 21st September 1824.

SIR,—I have the honor herewith to enclose copies of Letters from the Landdrost and Heemraden of Stellenbosch and the Fieldcornets Haupt and Du Toit respecting the establishment of a Post between Stellenbosch and the Paarl, whereby it appears that a Hottentot named Filander Balie has offered to carry the mail every Tuesday from thence to Stellenbosch for the sum of two hundred rixdollars annually, which is not an exorbitant demand ; and in consequence of the recommendation of the Board of Landdrost and Heemraden, I request His Excellency the Governor will be pleased to approve of the appointment of the said Hottentot to carry the mail between the two places, and that the expence be defrayed by the Treasury in quarterly payments. I have &c.

(Signed) R. CROZIER.

To the Acting Colonial Secretary.

[Enclosure 9 in the above.]

SECRETARY'S OFFICE, STELLENBOSCH, 6th September 1824.

SIR,—We have the honor to acknowledge the receipt of your letter of the 31st May last, in answer to ours of the 3rd of the same month, with respect to the establishing of a Post from the Paarl to this village, to which this serves in reply, that we have written to the Fieldcornets of the Paarl, the copy of whose letter is herewith, and to the contents of which we for brevity's sake take the liberty to beg a reference, yet to add that we are of opinion, that the conveyance of the said Post should be to the Hottentot Balie. We have &c.

(Signed) THE BOARD OF LANDDROST AND HEEMRADEN.

To R. Crozier, Esqre., Postmaster General.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, January 7th 1826.

MY LORD,—In doing myself the honor to acknowledge the receipt of Your Lordship's Despatch of the 28th September last, I cannot refrain from expressing to Your Lordship the pain it has caused me to observe that Your Lordship has so far withdrawn your confidence from me, as to believe me capable of authorizing the Expence of building a Second Schooner for the service of Port Frances with unadvised haste, and without any urgent necessity.

Wounded as my feelings must necessarily be at the disapprobation with which Your Lordship has regarded my conduct in this instance, I hope I may be pardoned for intruding upon Your Lordship's notice some of the representations which induced me to provide without delay so important a requisite for the prosperity of that Harbour, exclusive of many verbal communications from Persons whose opinions on this subject were considered worthy of attention.

Since my return to this Colony in 1821, I have used every

endeavour in my power to promote the success of the British Settlement in Albany, and it has always appeared to me (and I conceived it to have been Your Lordship's opinion also) that the establishment of a Port was of the first and most vital importance to that Settlement, and I believed that I should be only anticipating Your Lordship's wishes by contributing upon the recommendation of Nautical Men well acquainted with the localities, any reasonable assistance on the part of His Majesty's Government which could tend to forward so beneficial a measure. The documents which I have the honor to enclose will I trust convince Your Lordship that, with these views, the expence in question was not inconsiderately incurred. The melancholy loss of Lives, which is mentioned in one of the Extracts from Mr. Barry's Memorial will, I am sure, impress Your Lordship, as it did myself, with the conviction that the measure, if at all advisable, could not too soon be carried into effect. Exclusive of this consideration, an occurrence took place which materially affected the prospects of Port Frances. A Vessel which subsequently arrived there, on finding that there was not immediate assistance given by the Government Establishment for effecting the discharge of her cargo, put to sea again, and landed it at Port Elizabeth (120 miles at least from the heart of Albany). It was stated to me that this circumstance would never have occurred had the Schooner been available at that time.

I shall only add that the expectations formed of her utility have been more than realized, and that the facilities thus afforded to the Commerce of that remote District have given such energy to the Settlers in Albany that a Shipping Company is forming amongst themselves, and I have received the strongest assurances of their thankfulness for the benefits conferred on them.

When I reflected on the vast advantage that would not fail to result from the successful establishment of a Port in Albany, and knowing, as I did, that this object could only be attained by effectual and speedy aid from Government in the outset; feeling also the risk of the total abandonment of the only Harbour which appeared to afford any prospect of general utility to that Province, from disgust and apprehension of difficulties and dangers which might, it was thought, be

obviated by the means proposed, I confess I should have considered myself more liable to fall under His Majesty's displeasure by being backward in taking so limited a responsibility upon myself for the prompt execution of a measure thus called for by the public Interests, than by giving that prior authorization which has unfortunately drawn upon me Your Lordship's censure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Extracts of a Memorial presented by Mr. Joseph Barry, Merchant of Cape Town, to His Excellency the Governor Lord C. H. Somerset, dated 29 January 1824.

That your Excellency's memorialist contracted to supply the Colonial Government with a quantity of barley in December last, in or off the River Kowie, to be taken from alongside at Government risk and expence; and ballast to be supplied the vessel as required; to complete which the *Singapore* sailed from Table Bay on the 31st December with a full cargo of barley in bags, which was carefully weighed previous to embarkation &c.

The vessel arrived there on the 5th Instant, and to my great surprise, mortification and loss; with the probability of her being driven off in stress of weather, which at such a Port is not at all unlikely, she was left at anchor unnoticed until the *Locust* had unloaded and got ready for sea, which was on the 11th, when they sent boats to unload the barley &c.

It has been unfortunate for us that the *Locust* arrived here, for we have done nothing with the cargo until she was discharged &c.

As the last boat was coming out to the *Singapore*, with ballast and empty bags, it was unfortunately upset, by which two lives were lost, and sixty new canvas bags, which had been lent for the accommodation of Government, as stated by Mr. Laird's letter of same date, January 15th:

"I am sorry to say that the boat belonging to Captain Saunders was unfortunately upset this morning on the bar, when coming out with the last of my ballast (30 bags) 1 cask

water, and 4 bundles canvas bags containing each 20, and there is only one bundle saved."

Having thus stated at length the whole circumstances attending the first delivery of barley, your Excellency's Memorialist humbly prayeth that he may be allowed five days' demurrage, the weight of barley as made by Mr. Laird, with the value of the bags lost, and earnestly entreats that scales and bags be forwarded with such directions as will prevent a recurrence of such disasters.

[Enclosure 2 in the above.]

To His Excellency the Right Honourable Lord C. H. Somerset,
Governor and Commander in Chief, &c. &c. &c.

The humble Petition of A. Chiappini & Co. Humbly Sheweth

That Memorialists taking to heart the interests of the Colony and desirous of promoting the Trade with the Kowie to the best of their slender ability, have determined upon sending their schooner the *Flamingo* to the Kowie with a cargo for the Albany District, but being aware of the unsafe anchorage and of the difficulty of unloading vessels at that place with promptitude, Memorialists are apprehensive for the safety of their vessel, and therefore pray that your Excellency will be graciously pleased to permit the *Flamingo* to use the moorings of the *Locust* at the Kowie until the *Locust* requires them, and to discharge her cargo with the assistance of the *Bridekirk* Schooner, Memorialists being willing to pay any sum your Excellency may deem equivalent to such indulgence. And your Memorialists will ever pray.

(Signed) A. CHIAPPINI & Co.

CAPE TOWN, 10th February, 1824.

[Enclosure 3 in the above.]

PORT KOWIE, August 16th 1824.

SIR,—I have to report to you the sailing of the Schooner *Kowie Packet*, E. Gattel master, at 4.35 p.m. of the 12th instant. The channel was buoyed out, also in case of their not seeing

the buoy on the spit of the West Bank, I had two temporary beacons erected, and they being both kept in one, was the mark to lead through the channel. On the day this vessel sailed the tide did not rise very high, but she went out with the greatest ease. For the future there will be a black buoy on the West Bank and a red one on the East Bank, and two conspicuous beacons will be erected according as the channel may be, they being kept in one will be the leading mark over the bar, where the boat in attendance will be to aid as may be required. I have two shipwrights repairing the *Bridekirk*, which vessel will be launched in four or five days. These two men have offered to build a vessel of twenty tons in three months more of a flatter bottom than those vessels built by Messrs. Aken & Co. Another schooner of twenty tons or the same size of the *Bridekirk* would be of great advantage at this place, in order that any vessel in the roads might not be detained. I therefore take the liberty to propose that I may have another Schooner granted for this Establishment; had there been another vessel of the same description as the *Bridekirk*, the *Locust* could not have had any occasion to have gone to Algoa Bay last as she did.

Wood for building might be cut on the banks of the River, sufficient to build a vessel of any size; and a Blacksmith has just set up a shop in the Village, who is a very steady man.

I think a vessel might be built here for about one-half cheaper than those built at Cape Town, and more adapted for the channel they have to go through. These two men employed on the *Bridekirk* are receiving three rixdollars per day with their rations. In answer to this statement, I shall thank you to inform me whether I may engage with these men.

I remain &c.

(Signed) J. JOHNSON, Harbour-master.

To the Acting Colonial Secretary.

[Enclosure 4 in the above.]

Extract of a Letter from the Harbour Master at the Kowie to the Assistant Secretary to Government, dated

RIVER KOWIE, August 30th 1824.

I further beg leave to make a statement respecting the two decked Boats. Supposing they both go out a heavy surf rises or it comes on to blow hard, these boats must attempt to come in at the danger of the men's lives, also the risk of the boat being lost in the surf, because they cannot go out to sea, as they have no shelter whatever for the men belonging to them, whereas the *Bridekirk* can stand off to sea with a cargo should the surf be too high, and wait a favorable opportunity. For the preservation of men's lives and property, I beg leave to suggest that if a schooner of twenty tons was supplied this place in lieu of these two boats, any vessels coming here might be discharged in a few days, only one trip a day would with two schooners fetch 26 tons ashore. The salary that is allowed the crew of the decked boats would defray the wages of another schooner, so that it would be no extra expence to have another vessel of this kind should it meet the approbation of His Excellency the Governor and yours.

[Enclosure 5 in the above.]

Extract of a Letter from the Deputy Port Captain to the Assistant Secretary to Government, dated

PORT OFFICE, 20th September 1824.

I have also to notice my approbation of the seaman-like statement of Mr. Johnson, Harbour Master at the Kowie, on the decked boats, and want of another schooner, and am of opinion with him that such a one well constructed will certainly answer better to give dispatch in landing cargo &c. than said boats, and with better safety, would Government consent to such expence. At the time these decked boats were first thought of, the general opinion prevailed they would answer, and I am really sorry they have not answered the expectation, and that so much loss has been sustained by them, but fear

it has been principally for want of good management and not calculating properly on time of tide and circumstances which I cannot judge much of, knowing nothing but by hearsay relative to the situation.

I recollect asking the deceased Mr. Saunders, when last in Town, about the moorings laid down off the Kowie, who said the buoys were gone, but that he would easily find the moorings again, and think it might be well to give Mr. Johnson a hint about said moorings, and to know if he can find them and if any buoys are found in his Neighbourhood.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 23rd September 1824.

SIR,—Referring to your letter of the 20th Instant recommending Mr. Johnson's suggestion that a Schooner of about 20 tons burthen should be built in lieu of the two decked boats at the Kowie, I am directed by His Excellency the Governor to request that you will contract accordingly for the building of an additional Schooner for that Station of the Tonnage proposed, and submit the terms for His Excellency's approval previous to your concluding the Contract. I have &c.

(Signed) P. G. BRINK.

To Mr. W. Bridekirk, Deputy Port Captain.

[Enclosure 7 in the above.]

PORT OFFICE, 9 October 1824.

SIR,—I have to acknowledge the receipt of your two letters dated 7th Instant, also one of this day's date with inclosures relative to Building a Vessel for the Kowie River service, and find that Mr. Hogg's Tender is below that of Messrs. Aken and Monteath, and for information of His Excellency the Governor I think him equally competent as a builder, and am better satisfied with his statement of materials to build with, am also aware that his timber of the Colony is remarkably good, but is more equal for a vessel of 25 tons which I recommend, as he will be answerable she shall not draw more water than one of 20 tons, and in that case great advantage will be gained in the

carriage of goods, as well as being Rixdollars 275 less than Messrs. Aken and Monteath's tender, and having taken in consideration the danger of worms and perpetually cleaning of bottom that incurs an expence, I give it now as my opinion she had best be coppered as stated in tender.

I have also to acquaint you for the information of His Excellency that I fear much difficulty to procure two shipwrights that are competent to undertake building a schooner at the Kowie, or to come under agreement to finish it in a given time, and if such were to be had they will want to know some terms, and how the materials &c. are to be supplied; there appears to me many difficulties to be thought of in the attempt to build a vessel at that place, and the expence will not be found much less after taking all things in consideration, nor so good materials of wood to build with. I have &c.

(Signed) WM. BRIDEKIRK,
Deputy Port Captain.

To P. G. Brink, Esqre.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th January 1826.

MY LORD,—As Colonel Bird has proceeded to England, it will be unnecessary for me at present, in acknowledging your Lordship's Despatch No. 196 of the 3rd October last, to state more than that I have not received the slightest communication from Colonel Bird, or any acknowledgement whatever of the three letters addressed to him, under my direction, by the Chief Secretary to Government, relative to the option allowed to him by Government as to the nature and amount of the Pension to be granted to him. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 7th January 1826.

MY LORD,—We have the honor to acknowledge the receipt of your Lordship's letter of the 6th Inst., enclosing a copy of an explanatory letter addressed by Mr. Rivers to your Lordship on the subject of that part of our Report to Earl Bathurst in which Mr. Rivers was charged with neglect of the interests of the Settlers.

As Mr. Rivers has referred to several Documents in support of his explanation, we have the honor to request that your Lordship would be pleased to furnish us with copies of the following Documents :

1. Letters addressed by Mr. Rivers to Sir Richard Plasket, dated 10th January and 22nd December 1825.
2. Extract from Earl Bathurst's Despatch to your Lordship dated 5th August 1825, containing charges against Mr. Rivers.
3. Letters addressed by Mr. Rivers to the Colonial Secretary, dated 19th April, 7th July, and 23rd October 1823, representing the difficulties in which he was placed by want of Diagrams.
4. The Reply of the Colonial Government dated 2nd May 1823.
5. Of any Letter or Extract therefrom addressed by Mr. Rivers to His Excellency the Governor or to the Colonial Secretary, in which the former requested to be removed from his situation or complained of its arduous and irksome duties.

We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM W. G. COLEBROOKE

[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. W. HAY, ESQRE.*ABINGDON STREET, *January 7th 1826.*

SIR,—In conformity with the directions of Lord Charles Somerset, sanctioned by your letter of the 12th of October, I have taken pains to ascertain the best mode of furnishing seven Turret Clocks for the use of the churches and public buildings at the Cape of Good Hope. Having had communication upon the subject with several clockmakers of London and Edinburgh, I have formed an opinion that the peculiarly delicate nature of the work, the variety of the modes in which it may be executed, and the skill and science which it requires, justify in this case a departure from the principle of competition by which the provision of articles for the public service is generally governed. And I have satisfied myself that it is by placing confidence in some one respectable Tradesman that there will be the greatest probability of being provided with Clocks which shall last for the longest period at the least expence for repairs.

It must be admitted that the first cost of clocks furnished upon this plan is high ; it is higher than those which I have received from other makers ; but in fact all are considerably higher than the sum mentioned in the enclosure to your letter of the 12th of October. The estimate to which I refer, that of Mr. Killiamy, is 140 guineas for each clock made in the mode which he considers the most durable ; other estimates are from £88 to £49 10s. (all exclusive of the cost of dials and bells) ; but as the specification of the several makers is extremely different, no practical comparison can be made between them.

On the whole, the course that suggests itself to me as the best is to order from Mr. Killiamy *one* clock only, to be executed in the best manner ; to send this clock to the Cape to be fixed upon the principal church or building at the seat of government ; and not to order any others until a report shall have been received upon the first.

But as this proceeding, though it will occasion an immediate expenditure of money below that which has been authorized, will require a large expenditure for one clock, I do not feel

myself at liberty to adopt it without Earl Bathurst's sanction ; and I have therefore to request that you will submit my suggestion to his Lordship. I have &c.

(Signed) THOS. PER. COURTENAY,

Agent for the Government of the Cape of Good Hope.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT-COLONEL BIRD.

DOWNING STREET, 7 January 1826.

SIR,—Mr. Wilmot Horton has received your letter of the 3rd instant and has communicated its contents to Lord Bathurst by whom I am now directed to inform you that although you have not expressly stated that Lord Charles Somerset told you that “he intended to carry on his Government upon a new system,” yet that it is scarcely possible to draw any other inference from the terms which you employed in alluding to the conduct, which, according to your own statement, the Governor announced his intention of pursuing on his return to the Cape. For if in your Public situation of Colonial Secretary you were satisfied with merely hearing from others that such were Lord Charles Somerset's intentions, without making any attempt to ascertain so important a fact directly from himself, although you at the same time foresaw “the deplorable state of things” which would arise from the operation of this supposed “new System,” and of which you imagined that proofs were already to be distinguished ; and if you warmly expressed the feelings created by that foresight to individuals in Private Society, and yet never communicated officially with the Government or Secretary of State on the subject, you admit yourself to have been guilty of a very culpable neglect and to have adopted a line of conduct which was utterly incompatible with the confidential situation which you held both with relation to the Governor and the Government.

In reply to that part of Mr. Horton's letter in which he

expressed Lord Bathurst's desire that you would furnish copies of the several representations which you made to Lord Charles Somerset against the system on which he was conducting the Government of the Cape, you have referred to "the Replies given by you to the queries proposed by the Commissioners of Enquiry and generally to your correspondence on various heads with those Gentlemen." The means of reference to those Reports are of course open to Lord Bathurst, but to avoid the possibility of future misconception, his Lordship has directed me to request that you will supply him with copies of all those Papers to which you have alluded "as affording proofs that your assertions are fully borne out." I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to H. W. WILTON, ESQRE.

DOWNING STREET, 7 January 1826.

SIR,—With reference to the subject of the several communications which you addressed to Earl Bathurst in the course of the preceding year, I am now directed by his Lordship to acquaint you and the other Gentlemen who were desirous of forming an Agricultural and Commercial Company at the Cape of Good Hope that His Majesty's Commissioners of Enquiry having reported favorably on the principle upon which that project is founded, his Lordship is now desirous of learning whether you are anxious to renew the proposals which were received from you last year. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *8th January* 1826.

MY LORD,—I have the honor to enclose a copy of a Circular dispatch which I addressed to your Excellency on the 14th of March 1823, upon which it does not appear that you have transmitted to me the requisite information, and to which I have to desire your Excellency's immediate attention.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, *8th January* 1826.

MY LORD,—Although our attention to the subject of the Despatch with which your Lordship honored us on the 28th October has been in some measure interrupted by the occurrence of other pressing matter, yet we have felt sincerely desirous of affording your Lordship any information or suggestions that might have the effect of pointing out to your notice more adequate means than the state of the Revenue now supplies for the augmentation of the salaries of the several subordinate officers of the Public Departments now so inadequately remunerated.

One difficulty we have felt in submitting to your Lordship at this moment any definite scale of reduction for the number of these persons has arisen from the determination that appears to have been already taken by His Majesty's Government to divide the administration of the Government of this Colony into two Districts, in consequence of which a necessary reduction will take place in the quantity and extent of business to be performed at Cape Town, but attended with the transfer of a portion of it to the Seat of Government in the Eastern District.

We are induced to think however that this circumstance (independently of other reasons of expediency) will lead to an advantageous reduction of the number of persons as well as to a consolidation of some and an abolition of other duties and offices that we conceive are now unnecessarily separated, or may be entirely dispensed with in the future arrangements.

In the office of the Chief Secretary a large reduction of the number of assistants may be expected in consequence of the diminution in his correspondence, in transferring the preparation of Colonial Accounts to the Departments of Revenue and Audit, in the abolition of some regulations that more properly belong to the Police, and in making a transfer to an office of Registry of the present duties of drawing up, executing, registering and preserving deeds and securities. The duty of making out and preserving plans and diagrams of Estates will properly appertain to a Survey Department, to which may be added the present duties of the Inspector of Lands and Woods.

We should propose to consolidate the receipt and payment of every portion of the revenue in one office to be denominated the Treasury, and thus supersede the necessity of the office of Receiver of Land Revenue, that of Collector of Tythes and Transfer dues, and upon the same principle that of the Colonial Paymaster.

In the Judicial and Police Departments we apprehend that no reduction of expense is to be expected, altho' a change of system in both of them will in all probability be accompanied by a great reduction of the number of persons now employed.

We readily express our assent to the charge proposed by your Lordship of the expenses of administration of Orphan and Absentee Estates out of the accumulated Interest derived from the proceeds and which is erroneously termed the private fund of that Establishment. At the same time we think it right to observe that the fees now taken by Government and that are charged upon the proceeds of Estates administered by the Orphan Chamber should be abolished.

In the present state of the Sequestrator's Department, and the complicated system upon which it is conducted, no immediate expectation of reducing the expenditure or the duty can be formed except by transferring the sales of goods under execution or sequestration to the office of the Vendue Master.

In the Department of Customs at Cape Town we think that a reduction in the number of offices may be not improperly made and that of Wharfmaster dispensed with.

Those of the Port Captain have acquired so much importance from the late disasters that have befallen ships on their entrance into Table Bay that we contemplate the necessity of placing that establishment on an efficient footing by a specific appropriation of its present revenues to the pay of a Person duly qualified to superintend and direct the entrance of ships and of an active Boat's crew who shall always be in readiness and well equipped for harbour service.

In the office of Registry of Slaves a reduction in the number of clerks may be made, and the establishment of the Wine-Taster's Office be altogether dispensed with.

The Vendue Department we are of opinion may be advantageously superseded by the gradual substitution of licensed Auctioneers. The revenue upon auction sales would thus be collected without the intervention of so expensive an establishment as the vendue office, and divested of the responsibility that the Government at present incurs for the management of its complicated details. A considerable saving may be eventually expected from the entire reduction of the principal department.

The Establishment of the Banks will admit of some reduction in the number of persons employed when the business of the Discount Bank is abridged or superseded by the introduction of private Banking. Altho' by the late measure of His Majesty's Government the Colonial Paper Currency will be redeemed through the medium of the Commissariat Department, the recovery of the outstanding loans on mortgage will still devolve upon the Lombard Bank, and the utility of that establishment may be further enlarged in the present distressed state of this community by recurring to the original principle of the foundation and by the renewal of loans to a small amount on pledges of moveable property. We should at the same time venture to recommend that no transfer of the mortgages and securities in the possession of the Lombard Bank should be made to any private Banker, or that may have the effect of interfering with the system of indulgence with which this class of debtors has been treated or with the facility that His Majesty's

Government may be disposed to afford them in a reduction of the heavy interest on their debts.

As the duties performed in the Stamp Office by the Commissioned Members of the Court of Justice will in future require to be executed by a responsible officer belonging to that office the necessity of a more efficient superintendence of so important a branch of the public revenue will as we conceive make the residence of the Head of the Department at Cape Town indispensable. We are not however of opinion that any reduction in the establishment will be practicable.

Some saving may be effected by the reduction of the establishment of the Slave Lodge, and the allotment of provision grounds to such of the male slaves as are yet capable of earning their own subsistence. The emancipation of the children, who are few in number, is a measure that will involve no material sacrifice, and will be consonant to the views of His Majesty's Government in the encouragement it has given to the introduction of free labourers.

The annual payment to the Constantia farms we conceive may be discontinued and a reduction made in the quantity of wine received equivalent to the sum now paid.

With respect to your Lordship's proposition that the District chests should be abolished and that all taxes should be collected on account of the Colonial Treasury and all disbursements made by warrant of the Governor, we beg leave to explain that we have long been impressed with a conviction of the necessity of introducing a stricter economy in the expenditure of the district funds, as well as of the revenues that are collected and administered by the Burgher Senate in Cape Town. As however the consideration of the subject involves other important questions relating to the local institutions, we will only in this place observe that we recognize the advantage that would result from strictly enforcing the principle of equal assessment of the ordinary taxes throughout the Colony, and of defraying any charge of a local nature by additional assessments on their amount, and we conceive that it would lead to the simplification of the accounts if the whole of the District Establishments were defrayed from the same source, instead of being defrayed partly from the general Treasury and partly from the District chest. The whole charge of the local establishments

thus devolving on the general Treasury, and being provided for by taking over the ordinary taxes in opgaaf, it would then be practicable to ascertain what increase upon them in each District would be necessary to defray the expenses of buildings and improvements that are in their nature local.

It having been the original intention that no interest should be taken on the advances made from the " 500,000 Rds. Fund " to certain Districts for the erection of buildings, we venture to recommend that in consideration of that circumstance as well as the impoverished state of the Districts all interest should cease to be received, and all payments that have hitherto been made by each District should be credited to it in the reduction of the original debt.

By collecting the opgaaf for the general revenues the grazing Districts being the most opulent and least burthened with debts would thus contribute to the general revenue in due proportion to their means, and we see no objection to the assessment in the present year of the tax on Cattle Stock in the District of Albany, and to the collection of the Commando tax in the District of Uitenhage (no longer a Frontier District) remitting it in years when the Inhabitants are required to serve on commando.

As the Cape Town taxes are raised under various heads with a special application of the several funds, it will only be necessary to provide for the due appropriation of each fund to the particular object for which the assessment has been authorized to be imposed, either in the extinction of debt or in providing for the police or other establishments which it may be necessary to maintain, and in regulating the administration of those revenues it will be practicable to distinguish between those taxes that are raised for general and those for special purposes.

As we observe that the receipts under certain heads of taxation, particularly that of the Market, are greatly in excess of the purpose for which they were raised and are exceptionable in their nature we should recommend that they be gradually reduced. The payments made by the butchers on the number of cattle slaughtered may be advantageously converted into premiums or rent upon each shamble, and the expence of the

present establishment now required for the collection of this tax may thus be avoided.

Your Excellency seems to be so justly impressed with the necessity of making augmentations of Salary proportionate to the service required and of securing the most efficient persons for performing it, that we will only express our regret in observing the difficulty that the state of the Colonial revenue seems to oppose to the early and general adoption of such a wise and we believe economical an expedient.

Recurring to the establishment of the Secretary's office we would take the liberty of suggesting to your Lordship that the application of the principle to one of the clerks now employed in that office (Mr. John Brink) appears to us to be immediately called for, more especially as we understand that he relinquished a situation the duties of which were rightly considered to be inconsistent with those of his principal office, and altho' the emoluments were probably conferred upon him with the sole view of making him a more adequate remuneration for the performance of them.

We also should venture to recommend an immediate augmentation of the salary of Mr. Zastron, to whom is assigned the care of all titles to property together with the important duty of framing them.

As to the sources from which the general revenues may be augmented to meet the public burthens we have considered with attention the proposition that your Lordship feels disposed to submit to the consideration of His Majesty's Government for raising the percentage on the value of British manufactured goods from $3\frac{1}{4}$ to 5 per cent with a drawback of that duty on reëxportation.

The increase that has taken place in the amount of this class of imports in the years 1823 and 1824 would certainly warrant the presumption that the consumption of British manufactures would not be diminished by an augmentation of duty of $1\frac{3}{4}$ per cent, if the adoption of the mode of calculating the value by converting it into Currency at the average rates of Commissariat drawings did not afford reason to believe that the increase in the amount is more nominal than real. It would also be desirable we think to wait the effect that we trust the measure of fixing the rate of exchange on Government Bills

will have upon the export of goods from Great Britain to this Colony, and of the certainty that it will produce in the medium of remittance that has hitherto been subject to fluctuation. In any measure however that may be ultimately adopted for raising or continuing the present duty on British and Foreign goods, we think it our duty to recommend that a special and early exemption should be made of wine staves and iron hoops, two articles the price of which must tend to influence the cost of Cape wine and the means of properly preserving it. We should also recommend the exemption of agricultural implements.

We are disposed to think also that the British Government would be very reluctant to sanction at this moment the increase of any duty upon the import into a British Colony of British manufactures with a view to the increase of the Colonial revenues, until it has been satisfied that all other means of improving them have been exhausted. In the course of our reflections upon this subject, it has been matter of surprise to us to find that at no period we believe since the introduction of Slaves into this Colony has any attempt been made (except in the licenses formerly required for their admission and latterly by direct taxation in the Districts of Stellenbosch and Tulbagh for local purposes) to derive any revenue from a source to which we believe constant resort is had in all other British Colonies where slavery exists, and our surprise increased when we found that the high prices of labour have enabled the owners of Slaves, especially those in Cape Town and the neighbouring Districts, to derive great profits from hiring out their Slaves and that the value of the latter has trebled within the last fourteen years. The operation of a Slave tax in this Colony would affect only the fortunes of the richest part of the community, or of those who possess the most productive property, a class who by some unaccountable error in the original system of taxation have not been required to contribute in any due proportion to the wants of the Government with the poorer Inhabitants. The effects of this system are very remarkable in the District of Stellenbosch and not less so in Cape Town.

We have been induced therefore to think that a tax of one pound sterling per head upon all Slaves above the age of 8 years and under 60 (allowing for exception of the mothers of such

children as are voluntarily emancipated by their owners and of the fathers of such children when they are regularly married and so long as they are not separated from their wives) may be justly imposed, and that it may be estimated to produce the sum of £24,000 Sterling, which might be applied in relief of the

Total number of slaves . .	35,509	Colonists from the injurious
Below 8 years .	7,109	effects that they sustain by
Above 60 years	4,000	the pressure of direct taxes
—	11,109	on their Capitals and Stock,
	<hr/>	and at the same time to make
	24,400	provision for the augmentations.

in the salaries of the efficient Civil Servants whom it is proposed to retain.

We are not unacquainted with the apprehensions that are entertained by the owners of slaves of the ultimate views of the British Government respecting them, but it does not militate against their security as proprietors that this species of property should be made subject to taxation in common with others.

With regard to other sources of taxation it will be our object to recommend the abolition of those that seem to press unfairly upon the industry of the laborious part of the population, and to tax the taste for luxuries that of late years has begun to manifest itself amongst the higher orders. With this view we should recommend a tax of one to two pounds sterling to be imposed upon all two and four wheeled carriages and waggons kept for private use and not used for commercial or farming purposes.

There are two other objects to which we beg to draw the attention of your Lordship. We allude to the partial exemption of official persons from the operation of the taxes, and to the fees that are still derived by Individuals from various local and general sources. We recognise the principle of directly remunerating by Salary the public Functionaries, and we should recommend that every person connected with the establishments should contribute to the taxes, and that all fees should be carried to the account of the Colonial Revenues.

We shall be happy to be favoured with your Lordship's sentiments upon the various subjects on which we have briefly touched before we submit our own views of them to His

Majesty's Government, and in the mean time as we conceive that Lord Bathurst would feel the strongest objection to the discussion or the disclosure of any of these measures previous to an official communication of them to himself we must entreat your Lordship to consider the contents of this letter to be of the most confidential nature, and as addressed exclusively to your Excellency under that pledge. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from LIEUTENANT-COLONEL BIRD *to* R. W. HAY, ESQRE.

17 CHARLES STREET,
MANCHESTER SQUARE, 8th January 1826.

SIR,—I had the honour late last night to receive the communication you addressed to me yesterday by direction of Earl Bathurst.

In the letter I took the liberty of addressing to Mr. Horton on the 26th of last month I had purposed to remove from the mind of my Lord Bathurst the impression which has induced His Lordship to pass what appeared to me to be an unmerited censure on my official conduct and to rebut the serious charge which, for the first time, was brought to my knowledge, and in so doing I alluded to what I believed to be matter of entire notoriety, that is to the former tranquil state of the Colony of the Cape of Good Hope and to the state in which it has been during the last 4 years. I wished to have drawn an inference favourable to myself from the circumstance. I lament to find that instead of so doing, I have only confirmed Earl Bathurst's earlier impressions. I own I am mortified to perceive that seeking explanation through the intervention of a confidential friend of Lord Charles Somerset has been liable to the construction your Letter puts upon it, namely that of expressing those feelings to Individuals in private society, which is not the case, I had sought by that line to avoid a description of imitation of which you are perhaps quite unaware. With regard to my never having communicated officially with His Majesty's

Government or with the Secretary of State on the subject, and by not doing which you assume that I admit myself guilty of very culpable neglect, I beg to say that at no period of the Cape Government was the Secretary in communication with the Home Government, nor was it held that he had the right of Protest. This particular point forms an especial part of the Papers to which I have referred, His Majesty's Commissioners of Inquiry having required information on that head. My only object has thus been frustrated. On my first arrival in England I thought it a duty I owed to myself to disclaim publicly in answer to some paragraphs which had appeared in the *Times* newspaper, having come to this Country with any view of making or supporting any charges against Lord Charles Somerset, it is not my intention to depart from the line I then took ; I will however transmit, at Lord Bathurst's desire, Copies of the Papers to which I had referred as soon as they can be prepared.

I am &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 9th January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 1st October last in which, referring to the restrictive Clause forbidding the cultivation of land by Slave labor, which by my instruction of the 20th May 1820, I directed should be inserted in all new Grants of lands in the frontier districts of the Colony ; you submit for my consideration that the Clause should be dispensed with in favor of a number of old Colonists to whom you propose giving tracts of lands in the Frontier districts.

The instruction in question was clearly intended to apply to all Grants whatever, without distinction of the individuals to whom they might be made ; and I see no reason for deviating from the rule which has been laid down, in favor of the persons whose claims you have brought under my notice. On the contrary, it appears to me, that it would be highly inexpedient

to exempt them from the restriction, for if the Slaves whom they already possess are so few in number as not to suffice for the cultivation of the lands, the omission of the restrictive Clause in their Grants, would only have the effect of holding out a temptation to the owners of such lands to avail themselves of their proximity to Caffraria to procure other Slaves by illicit means.

But I feel myself bound to take this opportunity of acquainting your Excellency that the communications which I have received from His Majesty's Commissioners of Enquiry have produced strong doubts in my mind as to the expediency of locating in the vicinity of the Caffres a class of persons who are neither best calculated to make the most advantageous use of the indulgence which you propose to grant to them, nor best adapted by their habits and feelings to conciliate their more uncivilized neighbours ; and I must therefore request that your Excellency will pause before you finally dispose of lands which it would be more desirable to place in the occupation of other Individuals. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. W. SHEPHERD.

DOWNING STREET, 9th January 1826.

SIR,—With reference to the application which you addressed to Earl Bathurst on behalf of certain Settlers at the Cape of Good Hope who are desirous that their families should be sent out to that Colony at the Public expense ; I am directed by his Lordship to acquaint you, that upon an enquiry into the extent of the expense to be incurred by sending out the number of persons specified in the List transmitted by you, his Lordship regrets that he is unable to hold out any hopes that His Majesty's Government can afford any assistance in furthering the object of the Petitioners, unless some security can be given that a part, if not the whole, of the expense incurred shall be reimbursed by fixed instalments. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from HARRY RIVERS, ESQRE., to EARL BATHURST.

CAPE TOWN, 9th January 1826.

MY LORD,—I trust the misery and distress into which I am now plunged will plead my apology for intruding this address. I have had the misfortune to incur your Lordship's displeasure on account of my conduct and the line of policy adopted towards the English Settlers in Albany while I held the Office of Landdrost of that District, and your Lordship has marked this displeasure by an order for my suspension from Employment until I shall have afforded an explanation upon the points in the Extract transmitted by your Lordship to His Excellency the Governor, from the Report of His Majesty's Commissioners of Inquiry on the Albany District, which impute misconduct and negligence to me.

By the execution of this order myself and family, consisting of a wife and 7 young and helpless children, are thrown from credit, comfort, and respectability into want and ruin.

I have lost no time in vindicating myself to His Excellency the Governor by letter, dated the 2nd Instant, and I trust that on a perusal of that statement your Lordship will be induced, with your known Humanity and Consideration, to relieve myself and afflicted family from the calamity which now overwhelms us, and to restore me to my situation of Landdrost of the District of Swellendam, which I have held for a year with the affection and esteem of the Inhabitants. I have had the honor also to furnish His Majesty's Commissioners of Inquiry with such explanations of my conduct as have appeared requisite, and I have reason to hope that I have acquitted myself in their minds of the imputations under which I had suffered.

I will not now intrude upon your Lordship's time by a statement of the circumstances attending my late appointment to, or the administration of Albany, which will be more properly submitted to your Lordship by His Excellency the Governor, further than to state that, after having served the Colonial Government honorably and correctly for several years, I was in 1821 prevailed upon to undertake the duties of the arduous

office of Landdrost of Albany, which I had not solicited, and which had been declined by others on account of its difficulties and the unpopularity it then had to encounter, and that in that Station I exerted my best abilities and devoted my whole time and mind with zeal and heart to its numerous embarrassing avocations,—that in every act and on every occasion I consulted, received, and faithfully executed the wishes and directions of the Governor, who invariably commended and approved my conduct, publicly and privately, and that I could little therefore expect I had erred while he whom I served and my conscience assured me of my rectitude. I beg then earnestly to implore your Lordship's early consideration of my case and of the explanations I have afforded both to His Excellency the Governor and His Majesty's Commissioners of Enquiry, as from the interval of time which must unfortunately elapse before Your Lordship's pleasure can be known here, I and my family shall have been exposed to the greatest distress and anxiety, and I implore your Lordship to pardon the liberty I have assumed in addressing you. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from the REVEREND FRANCIS MCCLELAND *to* EARL BATHURST.

PORT ELIZABETH, 9th January 1826.

MY LORD,—I have the honor to transmit herewith a copy of a letter from the Colonial Office, to which I respectfully solicit Your Lordship's kind attention.

During five years and upwards that I have been in the Colony I have to all intents and purposes acted as a District Clergyman, and though in every other district the Clergy are allowed a house and garden, I have been excepted from the general rule ; and thus after paying six or seven hundred dollars annually out of two thousand for house rent, I am placed as to emolument on an equality with the lowest Mechanic.

I beg moreover to apprise your Lordship that divine service

according to the English ritual is performed by me (I believe exclusively) in the Dutch language to the old Inhabitants, and yet though my duty is twofold, my allowance is not equal to half what my Brethren of the Established Church receive. I almost feel assured that were my case properly represented, Your Lordship would not only allow me a house, but raise my salary and compensate me for the time that is past.

In my present circumstances I cannot long continue. I am involved in debt, and with an increasing family have nothing to look to but Your Lordship's justice. There is a farm named Gora in the District of Uitenhage at present unappropriated, and if Your Lordship would have the goodness to advise my getting a grant of it or some other ground in this neighbourhood, it might serve to relieve my difficulties and enable me to do something for my children.

I cannot suffer the present opportunity to pass without impressing on Your Lordship the detriment likely to accrue to the Established Church in this Colony by reason of there not being any person here qualified to confirm the members of that communion when they arrive to years of discretion. This is a serious evil, it is hourly increasing, and merits the grave consideration of every friend of the Establishment. I have &c.

(Signed) F. McCLELAND.

[Enclosure in the above.]

COLONIAL OFFICE, 29th December 1825.

SIR,—In reply to your letter of the 13th instant, soliciting to be placed on the same footing with the District Clergymen by being allowed a Parsonage House, I am directed by His Excellency the Governor to acquaint you that He will submit your request to Earl Bathurst. I have &c.

(Signed) RICHD. PLASKET, Sec. to Govt.

To the Chaplain at Port Elizabeth.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 10th January 1826.

MY LORD,—I have the honor to transmit to your Lordship the General Monthly Return of the General and Staff Officers on this Station up to the 25th December 1825. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MR. H. W. WILTON to R. W. HAY, ESQRE.

NO. 4 REGENT STREET, PALL MALL, 10th January 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 7th inst., and to inform you that I lost no time in submitting the same to the Gentlemen composing the Committee of Management appointed by the Individuals interested in the projected South African Agricultural and Commercial Company.

It has appeared to those Gentlemen that under the change of circumstances generally which has taken place since the propositions on this subject were last submitted to the Right Hon'ble the Earl Bathurst, a general meeting of the Individuals interested should be called for the purpose of ascertaining whether a perseverance in the project will be expedient. I have the honor further to add that the 14th instant has been fixed for the meeting, and that the result shall be submitted without delay for the consideration of His Lordship.

I have &c.

(Signed) H. W. WILTON.

[Original.]

Letter from MR. BISHOP BURNETT to R. W. HAY, ESQRE.

BROWN'S HOTEL, WESTMINSTER, 10th January 1826.

SIR,—Consistent with the uniform tenor of the various applications I have had occasion to make to your Department since my banishment from the Cape of Good Hope all of which unequivocally establish the fact that I have no other object in my proceedings against the Governor of that Colony than to obtain a redress of grievances, I beg to inquire whether, from the report of the Commissioners of Inquiry, or otherwise, Earl Bathurst is yet in possession of sufficient material to warrant a decision upon my case.

In this event I have to request such decision may be communicated to me as early as convenient with the forms of your office, for should His Lordship be prepared to decide upon my case, and such decision should furnish an assurance of that equitable redress a scandalously persecuted subject has a right to expect from the administration of his Country it must be apparent that my proceedings will be of a character very distinct to those grounded on a contrary determination.

Altho' Earl Bathurst's interdiction of my return to the Cape for the recognized object of securing evidence to maintain my charges in Parliament furnishes me with unquestionable excuse for declining to enforce them at the ensuing Session, I am nevertheless prepared to go into the charges, as far as I can support them by evidence on the spot; I beg therefore to acquaint you for the information of Earl Bathurst that it is my wish measures should be taken for the official retention in this Country of Sir Rufane Shawe Donkin, Lieut. Col. Bird, Doctor Bailey, Mr. Ellis and Mr. Whitefoord, late Aid de Camp to Lord Charles Somerset, should Earl Bathurst compel me to the alternative of again applying to Parliament. I am &c.

(Signed) B. BURNETT.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 11 *January* 1826.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a copy of a dispatch which has been received from the Governor of the Cape of Good Hope reporting that he had incurred an expense of £559 3 10 for erecting in Cape Town a Charity School for the Education of Slave Children.

I also transmit to you an extract of another dispatch from the Governor enclosing an Estimate of the Expense which would attend the erection of similar Establishments in the Country districts; and as the Government of the Cape has manifested its readiness to coöperate, as far as it could, with His Majesty's Government in devising the means of ameliorating the condition of the Slave Population in that Colony, I am directed by Earl Bathurst to request that you will submit the application of the Governor to the favourable consideration of the Lords Commissioners of His Majesty's Treasury.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 12th *January* 1826.

SIR,—I am directed by Earl Bathurst to transmit to you, in order to its being laid before the Lords Commissioners of His Majesty's Treasury, copy of a letter from the Colonial Agent of the Cape of Good Hope, enclosing a statement of the demands which he anticipates will be made upon him during the current quarter; and I am to request that you will move their Lordships to give directions for advancing to Mr. Courtenay the sum of £2,500 in order that he may be enabled to provide for the service of the Government of the Cape of Good Hope.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 12 January 1826.

SIR,—I have laid before Earl Bathurst your letter of the 7th instant in which you enclose Estimates (herewith returned) of the expense attending the providing Turret Clocks for the use of the Churches and Public Buildings at the Cape of Good Hope, and suggest that it would be advisable by way of experiment to order one clock only, to be executed in the best manner, and I am to convey to you his Lordship's approval of your suggestion and his authority for ordering Mr. Vulliamy to provide one Clock, the price of which is not to exceed One hundred and forty guineas. I am &c.

(Signed) R. W. HAY.

[Original.]

Note from LIEUTENANT-COLONEL BIRD to R. W. HAY, ESQRE.

Lieutenant-Colonel Bird presents his Compliments to Mr. Hay and has the honor to transmit to him, according to Earl Bathurst's desire, Copies of his replies to the Interrogatories of the Commissioners of Inquiry in April and May last.

17 CHARLES STREET, MANCHESTER SQUARE, 12th January 1826.

[Copy.]

Letter from the Landdrost of the Cape to the Commissioners of Enquiry.

LANDDROST'S OFFICE, 13th January 1826.

GENTLEMEN,—I have the honour to inform you, that the Ordinary Taxes levied at the last opgaaf were in conformity with the proclamation dated 1st April 1814, and advertisement of the 28th February 1818.

HEAD MONEY.

All heads of families, men and women: all men above
 \ sixteen and all women above twenty years of age, per
 head *Rds.* 2½

CATTLE:

Each head of black cattle	. . . . .	<i>Stiv.</i> 2
„ saddle or waggon horse	. . . . .	„ 4
„ breeding horse	. . . . .	„ 2
„ 25 sheep, goats or pigs	. . . . .	„ 6

PRODUCE:

Each muid of wheat	}	„ 2
„ „ rye			
„ „ barley			
„ „ oats			
„ 100 lbs. of hay	. . . . .	„ 1
„ leaguer of wine	. . . . .	„ 16
„ „ brandy	. . . . .	„ 36

Income Tax, *Rds.* $\frac{3}{4}$ per cent.

With regard to the Extraordinary Taxes, I beg leave to observe, that as there are several places in the Cape district, particularly in the neighbourhood of Wynberg and Rondebosch, where no property can be taxed, the manner of levying the extraordinary taxes, as prescribed by the 16th article of said proclamation, would not have applied to these places; for which reason, the board, with the approbation of government, has fixed the sum payable by each place in the Cape district towards the Caffre commando tax, in lieu of making the calculation as directed in said proclamation, as the latter mode would have been a hardship upon the corn and wine farmers, and would have exempted all those who either have pleasure grounds in the district, or reside out of it.

The extraordinary tax for waggons, horses, destruction of vermin, &c. is regulated by the sum fixed on each place, as before stated; hence it follows, that in some years one third, in others, one half, of the amount of the Caffre commando tax is levied to defray the extraordinary taxes above enumerated.

I have &c.

(Signed) J. W. STOLL, Landdrost.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

CAPE OF GOOD HOPE, 14th January 1826.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 7th Inst., requesting copies of Documents under five distinct Heads, to which Mr. Rivers refers in the explanation given by that gentleman in consequence of his suspension from employment by Earl Bathurst's commands, and which documents I have now the honor to transmit. With respect to those under the 5th head, I regret that I have not retained Mr. Rivers' various solicitations on that subject. Applications for promotion or for exchange of appointment, being almost exclusively of a personal nature, are from all the higher officers of Government usually made to myself, and regarding those from Mr. Rivers, as entirely personal, I unfortunately did not consider it important to preserve them. I can however state with perfect certainty that as far back as 1823 Mr. Rivers expressed great anxiety to be removed to some other situation under the Government. I communicated the wish to a Gentleman (Mr. W. Bird) whom I knew to be in habits of friendship with Mr. Rivers ; Mr. Bird then informed me that he had some time previous been solicited by Mr. Rivers to find a favorable opportunity to submit his wishes to me, but he had informed Mr. Rivers that he had not presumed so to do, thinking his application at that time somewhat premature. Having referred to Mr. W. Bird on this point, I have the honor to transmit the copy of a letter from that Gentleman to me, which confirms my recollection.

During the last illness of Mr. Reitz, the late Vendue Master, Mr. Rivers addressed me, and in very anxious, but respectful terms, informed me that a rumour was prevalent that the Landdrost of Stellenbosch was likely to succeed Mr. Reitz, and soliciting his removal to the Drostdy of Stellenbosch (a situation of less emolument) in the event of its becoming vacant. On many occasions he repeated his anxiety to be removed, and in November 1824 he wrote so pressingly as to state that if he had any means whatever to support his numerous Family, he would

resign altogether rather than remain one day in so overwhelming a Situation; to this letter I replied, it appears on the 9th December, and I have the honor to enclose an extract of a letter from Mr. Rivers to me, dated 21st December 1824, in consequence of which I placed him at Swellendam. It is necessary now to explain that I should have met with Mr. Rivers' wishes for removal much earlier, had I known to whom I could entrust so laborious and so difficult a situation, and I believe you are aware that I urged it upon Colonel Napier of the 6th Regiment a very long time previous to Mr. Rivers' removal, having heard that he might be induced to quit the Army rather than encounter an Indian climate.

I think also in some conversations I had the honor to hold with you I mentioned more than once an intention of writing to Lord Bathurst and soliciting His Lordship to send some one from Home, but the smallness of the Salary gave little expectation that a competent Gentleman would be induced to come out. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 14th January 1826.

SIR,—Having laid before Earl Bathurst your letter of the 10th instant, I have received his Lordship's directions to acquaint you in reply that no report has been received from His Majesty's Commissioners of Enquiry at the Cape respecting your case; and that his Lordship must decline taking any measures for the detention in England of Sir Rufane Donkin, Lieutenant-Colonel Bird, Dr. Bailey, Mr. Ellis and Mr. Whitefoord as requested by you. I am &c.

(Signed) R. W. HAY.

[Copy.]

*Letter from MR. W. WILBERFORCE BIRD to LORD CHARLES
SOMERSET.*

WYNBERG, 14th January 1826.

MY LORD,—Having recalled to my memory past circumstances, I have a perfect and distinct recollection of the earnest wish Mr. Rivers so frequently expressed to me in 1823 to be relieved from the Magistracy of Albany, and of his avowal that were he a single man he would although unprovided prefer the resignation of his appointment to the further discharge of painful duties so unkindly and thanklessly received. I was honoured with more than one conference with your Lordship on the subject of granting the request of Mr. Rivers and of the means of effecting it without any distressing reduction of income. In one of these conversations I stated to your Lordship that Mr. Rivers had by letter some time before requested me to mention his wishes for removal, but that I had declined taking the liberty to do so because I thought his application premature. On the very first rumour of Mr. Dashwood's departure for England, many months before it took a shape of probability, he again urged me to interfere, and I do most conscientiously declare that Mr. Rivers was most solicitous to leave the Drostdy for a very long period prior to the acceptance of his resignation by your Lordship. I have &c.

(Signed) W. WILBERFORCE BIRD.

[Original.]

Letter from MR. JOHN FAIRBAIRN to EARL BATHURST.

CAPE TOWN, CAPE OF GOOD HOPE, January 14, 1826.

MY LORD,—I have the honor to present to your Lordship the prospectus and first number of a weekly publication undertaken by me entitled *The New Organ*, which has been suspended by the orders of His Excellency the Governor in Council. The grounds stated to me for this act of the Government were

my declining to apply for a License to publish under the terms of a prospectus written and published about two years ago by Mr. George Greig, a Printer in Cape Town. I was not informed that the confused and inaccurate production commonly called "Greig's Prospectus" had been made the Law of the Colony, by which all periodical Works are to be regulated, until I had been at considerable expense in establishing my work, and had besides subjected myself to the imputation of having acted contrary to Law. I mention the circumstances to your Lordship not with the intention of soliciting any private redress, but of bringing under your Lordship's gravest consideration the irksomeness of being subjected to unpublished Laws in cases where both property and character are concerned.

I have &c.

(Signed) JOHN FAIRBAIRN.

[Enclosure 1 in the above.]

Prospectus of a new Periodical Work, to be entitled
The New Organ.

The existence of what is called *Public Opinion* is the main distinction between the ancient and the modern world. It consists in an understood agreement among all ranks of men in the community respecting the general principles which ought to regulate their conduct in their intercourse with each other, and in an universal admission of the obligation all lie under to keep inviolate certain rules founded in justice and expediency.

Where the different classes of Society are kept at a great distance from each other, by unwise division, or oppressive privileges, as by the distinction of *Casts* in India, of Patricians and Plebeians in the early times of Rome, of Lords and Serfs in Russia and Poland, of Tyrants and Slaves in Turkey and Spain there can be no such thing as a pervading sentiment worthy of being called *Public Opinion*. For although man is in a great measure the creature of circumstance, there are certain points of his character, and these the more numerous and most important, which arise from the original structure of his nature, and manifest themselves in all places and situations.

Some of these are—the love of property, the desire of power, hatred of oppression, and a thirst after independence and security. If, therefore, by any unnatural division of Society, one class is empowered, without any superior merit, to appropriate or consume the produce of another's industry, to oppress or enslave their fellow citizens, or to check at pleasure the increase of private wealth, or the expression of Public Spirit in individuals, discontents will arise, and spread and swell into civil commotions, civil wars, and ruinous Revolutions. In such a state of things, each class forms, as it were, a separate and independent community, having its interests opposed to the common interest, its views opposed to the public good ; and its success depending on the downfall and reduction to servitude of all its rivals. History furnishes us with many examples of the disastrous effects of such disunion. It generally proceeds through a series of bloody struggles to a temporary enjoyment of a high degree of Liberty, which in its turn is quickly swallowed up by a rigid military despotism. Such was the termination of Roman Liberty under the first Cæsar, the suspension of the British Constitution under Cromwell, and the submission of the French people to the intellectual coercion of Napoleon.

But when the rights of all are secured by equitable laws, and a free communication of thought is permitted, encouraged, and rendered practicable, and more or less complete throughout the whole body of the people, another great principle of Human Nature develops itself, consolidates the social structure, and adorns it with peace, harmony, pure emulation, and universal prosperity. And that principle is—the love which men naturally bear towards each other, and the satisfaction they feel in contemplating the happiness of their fellow creatures, when they are themselves equal partakers of it. In thinly inhabited countries, or among an ignorant people, this general good understanding is of course less easily effected than in cities or among a well-educated population. In ancient times, therefore, the dreams of the Poets, respecting the comparative advantages of a Town and Country Life, were precisely the reverse of the real truth. Liberty, Justice, Security, Literature, and all the arts which beautify the streams of Society, and purify its springs, were to be found in cities : while oppression,

cruelty, ignorance, fear, and all that degrades the human race, were to be found in those regions where these fanciful writers laid the scene of the Golden Age. In modern times, however, this distinction is in a great measure removed, and will speedily, it may be hoped, entirely disappear. Every portion of an empire, however large, can now be made to keep pace with all the other parts in the great work of mutual assistance, and to adopt at once the discoveries or improvements with which Divine Providence may favour the genius or industry of any individual or portion of the community. For this glorious advantage over all preceding times, we are indebted to two of the most illustrious Inventions with which God has been pleased to reward the ingenuity and perseverance of man, and for which our gratitude should only be second in degree to our thankfulness for the Revelation of Christ and the hopes of immortality. They are—the Invention of Printing, and the Liberty of the Press. By the first the general diffusion of Education was rendered practicable through the multiplication and cheapness of books, and the second enabled men of virtue and ability to render those books worthy of being read and taught. The existence of the first, without the second, would be a pernicious mockery. An enslaved Press is the most dangerous engine of Tyranny. It not only deprives men of the wholesome nourishment they have a right to expect from the Press, but it administers poison in its stead. This is the language of the Law and the Constitution of England, and it becomes all Englishmen to cherish the sentiment, for it is to the Liberty of the Press alone that we owe the security of all our other most valuable rights and privileges. It is to that we owe the existence of that PUBLIC OPINION, that watchful jealousy of Public men, and that ready and unanimous support of just authority on which the Constitution itself reposes, and without which it could not exist unendangered or unimpaired for a single hour.

In this Dependency of the British Empire, we have at length obtained this invaluable blessing. It has not yet been formally recognised, but we have it in effect, and may expect to see it speedily secured to us by law. I have therefore laid down the plan of a Periodical Publication, in which I intend to introduce Original Papers, Reviews, and Extracts from the most approved

authors, on every subject connected with the Improvement of the mind and the welfare of Society. My object is to put the acquisition of useful knowledge and sound principles in Government, Morals, and Religion, within the reach of all men of every rank and condition in the Colony, particularly of the young, whose views and principles may hereafter deeply affect the Public happiness and prosperity, from the stations they may be called upon to fill. And my reason for adopting this method of attempting it, is partly founded on the great scarcity and high price of books, the deficient system of Education inseparable from a young Colony, and the opportunity it affords me of varying my topics and my style according to the circumstances and character of my readers. I invite the co-operation and assistance of the well-disposed and intelligent among my fellow Colonists, who may be willing to employ their local knowledge to the furtherance of this scheme. If one single advantage accrue to the Community from my labours—if a single family, or a single individual be rendered wiser or better by them, I will think myself well rewarded, bless God, and be thankful.

Cape Town, Nov. 12, 1825.

(Signed) JOHN FAIRBAIRN.

[Enclosure 2 in the above.]

The New Organ.

No. 1.] Friday, January 6, 1826. Price 4 Pence.

WHEN a stranger wishes to ascertain the character of a people, his general rule is to look to the Church. If its constitution be highly political, its revenues large, admission into the Sacred Office easy, and the doctrine and lives of the Clergy subjected to no very regular or efficient control, you may reasonably suspect that the religion and morals of the lower orders, at least, are not in the best condition. To improve and preserve these in any degree of purity, constant and sincere attention to the business of instruction is necessary, with many other laborious duties, which can scarcely be expected from men whose fortunes are secure, and whom the path of ambition rather leads away from professional duty, than to it. It is

needless to add, that where luxury and its accompanying vices have crept into the Church—where open immorality and contempt of everything sacred, with the exception of a few outward ceremonies, have made their appearance, the state of the people will be still more degenerate, and that the greatest danger will, in such a case, result to the peace and safety of the whole. Virtue and Religion are the only powers that can regulate the immense mass of strength which resides in the physical majority of a nation. Where these are weakened by the bad example of their superiors, and where opposite principles have gained an ascendancy, the people will speedily become as turbulent and unmanageable as the others are depraved and tyrannical. The Church of France, for instance, before the Revolution, had not only ceased to be an instrument of good, but had actually become a seminary of infidelity and licentiousness. The conduct of the mob, during that period, sufficiently evinces the deplorable effects of such a perversion of sacred institutions.

A stranger, judging of the CAPE OF GOOD HOPE by this criterion, would be led to form an opinion of our Morals at least fully as favorable as we are entitled to. The Church Establishment here is simple, not expensive, and well calculated to bring the Clergy and People into frequent and friendly intercourse with each other. The style of preaching, in general practical and earnest, is well adapted to instruct and persuade, and the attention of the Ministers to catechising the Young is perhaps not the least useful part of their system. They are men of good character, and many of them are possessed of learning and good abilities. The improved circumstances of the Colony will, it may be hoped, render some change in the mode of appointing to vacant churches less liable to objection than it is at present.

The public seminaries of education are, in most countries, placed under the inspection and control of the Clergy. This is a good rule when the church is supplied with men of vigilance and discretion. The occasional presence of a respectable Clergyman adds to the authority of the Teacher, and encourages the pupils to diligence and good order. In this department also much improvement has lately been made. Numerous new Schools have been established, and supplied with proper

masters. The zeal for knowledge thus stimulated and directed, will spread rapidly throughout the country, and the reproach of ignorance, so often applied to the African character, will not, we may confidently hope, be merited by the rising generation. No reflection is here meant against the past neglect of this important branch of Politics. The establishment of Parochial Schools in most parts of the interior would have been useless, on account of the great extent of the country compared to the small number of inhabitants ; and the poverty of the Farmers generally rendered it impossible for them to send their children abroad, or even to Cape Town for their education. The people are responsible only for the neglect of privileges within their reach. No excuse, however, will avail for despising the opportunities they now enjoy, or may hereafter obtain, of giving to their children this best of all inheritances—a liberal, moral, and religious education.

But the character of a people is not formed entirely by their Religious and Literary establishments. The pure administration of justice is no less essential to the preservation of the purity of public morals. Where partiality or "*any indirection*" has manifested itself in the Courts of Law, there is an end to charity and good will. If property be rendered insecure, honesty will vanish from the earth.

Fear instead of confidence, hatred instead of affection, to the persons and offices of the magistrates, follow instantly from any suspicion of their integrity ; and from these again spring falsehood, perjury, malicious accusations, and every iniquity, as naturally as plants spring from their seeds. Such are the effects of want of public confidence, even where nothing has been done to shake it, and no plan can be devised sufficient to prevent altogether so great an evil, except that which has grown up and been brought as near to perfection, perhaps as it is possible, in England. There the Judges are men of eminent legal knowledge and experience. They have their offices for life, and their salaries set them at once above pecuniary temptation. They are narrowly watched by a most learned and indefatigable Bar, and the whole of their proceedings, their decisions, and the grounds alleged by them for their decisions, are published daily, and circulated, free of postage, all over the kingdom. To such a height has this last check been carried in

that country, that their most casual expressions—even their looks, are reported and commented upon with perfect freedom.

That something similar to this will be conferred on this Colony may be reasonably expected. Many hard things have been said of us by almost every writer who has touched on this subject. We hope the individual charges are exaggerated, but as for the system itself, we surrender it without a syllable of defence, to the pens of its enemies.

The effect of the system of Government established in a country has, perhaps, a greater claim to attention than any of the former, inasmuch as it operates constantly and powerfully on them all. It may be said, generally, that the moral and intellectual character of a people improve in proportion as their government becomes less and less despotic. That their industry and wealth increase also from the same cause is not to be disputed. But who can enumerate the blessings of Civil Liberty? None, certainly none who have not tasted of its opposite.

[The remainder of the paper is occupied with anonymous correspondence, poetry, and extracts from books and magazines.]

[Copy.]

*Letter from MR. JOHN FAIRBAIRN to the SECRETARY TO
GOVERNMENT.*

CAPE TOWN, *January 14th* 1826.

SIR,—I have the honor to enclose to you for the purpose of being transmitted to Lord Bathurst by His Excellency the Governor in Council a copy of the Prospectus and the first number of the “New Organ,” and also a note addressed to His Lordship, stating the circumstance and alleged cause of the Suspension of that Publication. I have &c.

(Signed) JOHN FAIRBAIRN.

[Enclosure in the above.]

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[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 15th January 1826.

MY LORD,—Although I have every reason to believe, from recent communications, that your Excellency has determined to avail yourself of His Majesty's permission to come home, for the purpose of more effectually repelling the charges which had been brought against you and your Government; I think it desirable to apprise you that the dilapidated state of the finances of the Cape, to whatever cause it may be attributed, appears to be such, that independent of any accusation advanced by Mr. Bishop Burnett or others against your conduct towards them individually, it has become expedient that your Excellency should repair home immediately to furnish the necessary explanations. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 16th January 1826.

MY LORD,—I have the honor to acquaint your Excellency that in consequence of the representations which have been made to me on the subject, I have deemed it expedient to sanction the appointment of two Roman Catholic Clergymen to reside at the Cape of Good Hope, for the purpose of attending to the religious wants of such of the Inhabitants of your Government as may be of that persuasion ; and I have caused a notification to be made to Dr. Poynter that you would be directed to issue an allowance of One hundred Pounds per annum to the two Clergymen who shall be selected for these situations, and approved by me, which arrangement your Excellency will provide for accordingly. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LIEUTENANT-COLONEL BIRD *to* R. W. HAY, ESQRE.

17 CHARLES STREET,
MANCHESTER SQUARE, 16th January 1826.

SIR,—Some time previous to my leaving the Cape a Copy of a letter was forwarded to me, which contained Earl Bathurst's directions in regard to a Pension which His Lordship was so good as to propose to have granted to me, leaving to me an option of taking £800 for my own life or £600 for my life with £300 for that of my Wife.

As I could not come to a decision on this point, without first ascertaining in England how far the receipt of either sum would interfere with my claims on Military Half pay, and also whether or not an insurance on my Life would not be more advantageous to me than accepting the lesser sum, I lost no time in proposing these Queries, but not having received answers thereto previous to my embarkation, I had it not in my power

to make any communication to the Colonial Authorities on the subject.

Having now arranged what was necessary on those points, I beg you to do me the favour to acquaint my Lord Bathurst (expressing at the same time my thanks to His Lordship for his consideration) that I beg to accept the smaller annuity with remainder to Mrs. Bird. I must also request you to move Earl Bathurst to instruct the Colonial Agent to issue to me what may be due to me under this arrangement. I am &c.

(Signed) C. BIRD.

[Original.]

Letter from MR. THOMAS WILLSON to C. GREVILLE, ESQRE.

STOCKWELL, 16 *January* 1826.

SIR,—I am grateful for your favor of the 12th Instant, and I now do myself the honor of enclosing another Petition, which I trust the Lord President will have no hesitation to submit to His Majesty in Council at his Lordship's earliest convenience ; and requesting that you will have the goodness to favor me with the result, I have &c.

(Signed) THOS. WILLSON.

[Original.]

Petition of MR. THOMAS WILLSON to the KING.

To the King's most Excellent Majesty, &c., &c., &c.

The humble Petition of Thomas Willson of Stockwell, Gentleman, Head of a Party of One hundred families consisting of upwards of three hundred Individuals, whom he located in the district of Albany, Cape of Good Hope, in the year 1820, under a pledge previously obtained from Your Majesty's Government that he should receive as a reward for his Enterprise, and services, a Grant of Ten thousand Acres of Land for himself and his heirs in perpetuity.

May it please Your Majesty,

Your Petitioner wholly trusting in the above pledge which he received from the Right Honorable the Secretary of State, in the name of Your Majesty, confided all his future hopes and Interests in this World to the powerful protection of Your Majesty ; and in this confidence he fearlessly outfitted and embarked his family in despite of the most pathetic entreaty of their kindred and friends in England and proceeded with his party of Settlers to Algoa Bay and ultimately to his location on the Cape frontier, where, after faithfully discharging all his obligations and fulfilling his engagement with Your Majesty's Government, he had the mortification to find his views completely frustrated, and his position with the Settlers rendered wholly untenable, by a deviation of the local Government from the terms of the original pledge : and failing also to receive the boon of his Enterprise (the promised Grant of Ten thousand Acres of Land) Petitioner returned to England, and as the least inimical proceeding he most humbly submits his case to the paternal and benevolent consideration of Your Majesty.

Petitioner having passed the morning of his life in the service of Your Majesty under the patronage of the late General De Lancey and also in the office of His Royal Highness the Commander in Chief where he early imbibed those high sentiments of Loyalty and devotion which are not to be shaken by the occurrences of the day ; in submitting a true statement of his Case, he does not presume to address Your Majesty in the language of Complaint, or to arraign the wisdom of Your Majesty's Government in deviating from the letter and spirit of its engagement with Petitioner ; he will not set up any mercenary calculation of claim for pecuniary losses, which nevertheless have been very considerable ; but the deviations on the part of Your Majesty's Government having been fraught with the severest disaster possible to petitioner—in effect, depriving him of the very sinews of his Enterprise, the administration and protection of his immediate funds, the subversion of his Interests, his personal degradation, and the total ruin of his projects at the Cape (after the inexpressible toil of conducting his Settlers to their destination), and which also produced a succession of domestic evils, misfortunes, no less appalling to the thought than they were severely afflicting to

sustain in the days of trial, he most humbly prays for a due alleviation ! Petitioner forbears to allude further to the oppressions which he encountered, as they have already been the subject of much official Correspondence, he only implores the Sympathy of Your Majesty to ameliorate the severity of his Case, that he may not in the end receive evil for good.

Petitioner never doubting the sincerity of Your Majesty's Government, conceived that to obtain a Grant of an extensive Landed possession from Your Majesty was a prize worthy to hand to his posterity, worthy of present labour and of the liberal Expenditure which attended this Enterprise ; and it will naturally occur to the commiseration of Your Majesty, that Petitioner could not possibly tear himself from the bosom of his family and friends in England to encounter a long and perilous voyage abroad, to engage with the most arduous and dangerous duties that a British Subject could possibly enter upon, without making very considerable personal sacrifices : he could not engage with such a service of severe toils, requiring extraordinary energies of the body, and of the mind, and a considerable knowledge of human nature, and also ample property, to contend against the enormous difficulties and disasters attending the formation of a new Settlement, without sustaining (under the most favorable circumstances) remarkable privations ! extraordinary and perpetual conflicts with the ungoverned passions existing in a state of lawless liberty in a remote part of the Globe ! Petitioner unhappily has experienced all the poignancy of these feelings in a tenfold degree, from the circumstance of his personal degradation occasioned by the Government's afflicting and unexpected departure from the terms of its original engagement.

Petitioner under the most goading trial of these reverses, and after the lamentable delay of six years correspondence with the Right Honorable the Secretary of State, has uniformly separated himself from all the Cabals and Intrigues of party which have agitated the Colony to a degree calculated to embarrass and annoy the local Government, being emulous to maintain respectability of character, rather than to render himself conspicuous before the public, except when it might be for the honor and advantage of Your Majesty's Government to do so. Petitioner while labouring under singular persecution

has strenuously adopted every measure within his power to promote the views of Your Majesty's Government, which upon a broad scale he was convinced eminently tended to advance the true Interests and Welfare of the Colony ; In furtherance of these views, Petitioner without fee or reward of any kind whatever cheerfully devoted himself and his Servants to the Erection of the public works at Algoa Bay, certain Store houses, which were essential for the Military Service of Your Majesty.

Finally, it will be obvious to Your Majesty, as it is plain to the World that Petitioner embarked in this Enterprise for a promised reward, the fascinating allurements, promulgated by the Right Honorable the Secretary of State, but in lieu of this, Petitioner has hitherto received nothing but a series of the most galling persecution, and the severest punishment ! not merely failing to receive the boon of his labours, his Character itself becomes affected, and is most cruelly degraded by the denial of Your Majesty's Government ! It surely cannot be for the true Interests and honor of the State to violate its Integrity ! or to sanction the Impolicy of rendering evil for good ! Petitioner therefore most earnestly prays to be released from the severe bondage of his degradation (the bitterest evil of life), the waste of his best years, and the consumption of his finances ; that he may be reinstated to an useful and active position in Society, which alone can reinstate him in health, or to peace of mind. Petitioner having traversed at a consuming cost, the whole System of the Settlement at the Cape of Good Hope, in the ardent zeal of rendering a great National Service, that of usefully planting a proportion of the redundancy of British population in the heart of Your Majesty's possessions in South Africa ; as well as from a hope of deriving for this most arduous Service an adequate domain, the Grant, pledged in the name of Your Majesty—having however been under the necessity of returning to England on account of the failure aforesaid, he most humbly but earnestly prays that a Farm of moderate extent may be allotted to him in England, or that Your Majesty will otherwise vouchsafe to grant him honorable employ in the service of Your Majesty ! and with all humility loyalty and devotion Your Petitioner will ever pray.

Belmont Cottage, Stockwell, 16 January 1826.

(Signed) THOS. WILLSON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 17th January 1826.

MY LORD,—I have to instruct your Excellency forthwith to remove Mr. Philip John Poggenpoel from any Civil employment which he may hold under your Excellency's Government.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from T. P. COURTENAY, ESQRE., *to* R. W. HAY, ESQRE.

ABINGDON STREET, January 17th 1826.

SIR,—I have just been informed by Mr. Knyvett, the Chief Paymaster of the Depot at Albany Barracks in the Isle of Wight, that the Establishment at that place has been discontinued; and that it will be necessary to make some other arrangement for the issue of pay to the Officers of the Cape Corps, who have hitherto received it from him. For this part of his service Mr. Knyvett has received an annual allowance of Twenty-five Pounds.

I have therefore to request that you will inform me whether it is Earl Bathurst's pleasure to transfer the duty hitherto conducted by Mr. Knyvett to another Paymaster or Officer connected with the Army, or whether I am to provide for the discharge of it, and to issue the allowance to the Person who shall perform it. I have &c.

(Signed) THOS. PER. COURTENAY,
Agent for the Government of the Cape of Good Hope.

[Copy.]

*Letter from MAJOR HOLLOWAY to LIEUTENANT-COLONEL
FITZROY.*

ROYAL ENGINEER OFFICE,
CAPE OF GOOD HOPE, 17th January 1826.

SIR,—Referring to the letter which I had the honor to address to you on the 28th October last, and wherein I enclosed, for the information of His Excellency the Commander of the Forces, a statement of the progress made annually in the general survey of the Colony by the Engineer Department, as well as an account of the expenditure incurred in prosecution of that service, I now beg leave to afford pursuant to the desire of His Lordship further information on the subject.

This survey, which was begun agreeably to His Lordship's instructions in August 1819 by myself and the officers of Engineers under my direction in Caffraria and the eastern district of the Colony, was continued by the order of the Acting Governor Sir Rufane Donkin when he presided over the affairs of this Colony. But it was under date 13th December 1820 that the precise instructions were given by Sir Rufane for the sum of £300 sterling to be charged in the Annual Estimates of the Engineer Department for the prosecution of this service.

In the Engineer estimates for 1821, 2, 3, and 4, submitted to the Lords Commissioners of His Majesty's Treasury, the expence of the survey of the Colony to the specified amount was therefore made an item; and the survey was accordingly carried on during those years in pursuance of the authority for executing the provisions contained in those Estimates. In the Engineer Estimate for 1825 the same service to the usual amount of £300 sterling was introduced; but as by the regulations established in the preceding year this estimate was referred to the Board of Ordnance, the Inspector General of Fortifications objected to the item, on the ground that it had no relation to works or repairs. Accordingly the Board of Ordnance have not authorised the expenditure, and the prosecution of the survey has been entirely suspended.

²¹ As by Earl Bathurst's dispatch of the 14th June 1824 however the completion of the survey seems to be an object of some

consequence and of some interest to His Majesty's Government, I beg to submit to His Excellency the Governor whether it will not be expedient for his Lordship when in England to request from the Treasury authority to continue the service. I have &c.

(Signed) H. C. E. HOLLOWAY,
Major and Commandant Royal Engineers.

[Copy.]

Government Notice.

His Excellency the Governor being anxious to encourage Improvement in the Manufacture of Wines in this Colony by every available means : and the aid and assistance of Government having, from various quarters, been solicited in promoting this very important object, He considers it expedient to recommend, as a preparatory measure, that a Public Meeting should be called, of all Persons interested in the Wine Trade of the Colony, with a view of forming a Committee, to superintend the Interests of all Parties concerned, and to propose such Measures as shall be considered most conducive to the attainment of the object in view : —The Committee to be formed of competent Individuals (who may be entitled to the confidence of the Public,) selected from each of the Classes of Grower, Manufacturer, and Merchant.

Notice is therefore hereby given, that a Public Meeting will be held, for this special purpose, on Thursday, the 26th instant, at which His Excellency proposes to be present ; and His Excellency trusts that all Persons directly interested in the Wine Trade will attend.

The Gentlemen of the Committee of the Commercial Room having been so obliging as to give up the Commercial Hall on this occasion, the Meeting will be held in that Room, at 10 o'clock, A.M.

Cape of Good Hope, 17th January, 1826.

By command of His Excellency the Governor.

(Signed) R. PLASKET, Secretary to Government.

[Original.]

Letter from MR. W. D. FRANCIS to R. W. HAY, ESQRE.

SECRETARY'S OFFICE, AUCTION MART,
BARTHOLOMEW LANE, 17 January 1826.

SIR,—On the 29th November 1819 Mr. Thomas Price Adams with his family, of Mr. Bailie's Party, sailed on board the *Chapman* for the Cape. He is now living at Mount Adam, Fish River, Albany, South Africa, upon a Government Grant of Land. A son of his, 16 years of age, is wanting a passage to his father. Will Government grant him that, or contribute towards the expenses? An answer will be esteemed a favour from, Sir, &c.

(Signed) W. D. FRANCIS.

[Printed Copy.]

*Extracts from the Times reprinted in the South African
Commercial Advertiser of the 18th of January 1826.*

CAPE OF GOOD HOPE.

Letters from the Cape of Good Hope to the 26th of August were received yesterday. The only important part of their contents is that which relates to the return of Mr. Greig to the Colony, and the treatment he received from the Governor, LORD CHARLES SOMERSET, on his reappearance there. It is unnecessary to revert to the facts connected with this gentleman's violent expulsion from the Cape (for so it may be termed, though his departure wore the appearance of a voluntary act), further than to state, that all his Printing Implements and Stock in Trade were seized on that occasion; and as they constituted his whole capital, he was compelled to deposit them *in pledge* with the Colonial Government, to raise a sum of money to enable him to defray his expenses to England. On his arrival here, Mr. Greig appealed to the Colonial Office on the treatment he had received from Lord Charles, and so completely established its injustice and harshness to the conviction of Lord Bathurst, that he received permission to go back to

the Colony, with an assurance that he should be permitted to carry on his business without molestation, and that his materials should all of them be restored to him. He was desired, nay enjoined, not to encumber himself on the voyage out with other materials, as the order from the Colonial Office was so precise and imperative for the restoration of his own, that no Governor, it was presumed, could venture for an instant to dispute it. We now learn, however, from the letters of respectable settlers at the Cape, that this degree of daring is not too great for Lord Charles Somerset, who, on the plea that Mr. Greig's Printing Apparatus had been sold to another person after the departure of Mr. Greig, now refuses to make restitution of the property. His Lordship of late would appear to have given himself but little concern as to his official conduct. How otherwise would he have dared to dispose of the property of a man, who had avowedly gone to England, to appeal against the suspension of his Journal, and who had declared that in that property nearly the whole of his capital was embarked? What will Lord Bathurst, to whom Mr. Greig will of necessity report this conduct, say to the disregard of his positive order on the subject? Can any other construction be put in this case on Lord Charles's proceedings than that they are prompted by personal hostility and revenge towards Mr. Greig?

If the Governors of Colonies are permitted to use their discretion in obeying the orders issued by His Majesty, through his Secretary of State, the functions of the Colonial Office are at an end, and confusion must pervade the whole of our foreign possessions. The conduct pursued towards Governor Macquarrie, late of New South Wales, was of a very different nature. Mr. Bigge, the head of the commission of inquiry sent out to that country, procured his removal because he had sanctioned the unlawful imprisonment of a British subject, and that individual afterwards gained, we believe, a verdict of damages from a British jury. But Governor Macquarrie, unluckily for him, had no Parliamentary influence—had not as many votes at command as defeated Ministers of the property tax—had no friend and protector to watch over his interests in the very office by which he was controlled. Mr. Bigge's Report, if we recollect right, made it the *gravamen* of his charge against Governor Macquarrie, that he had placed himself in personal

opposition to an individual, thus degrading the public character he bore ; but what will Mr. Bigge's and Lord Charles's Masters say to the treatment to which their *protegé* has subjected Mr. Greig ? Mr. Bigge, by the way, who is preparing—what seems to be as interminable a labour as the web of Penelope—a Report of the Cape Colony itself, will have to state his opinion on the case, when it will be seen how far his abstract notions of justice correspond with those he expressed on that of Governor Macquarrie. We are glad to learn by private letters that Mr. Greig finds some consolation for the hostility he has experienced from the Governor, in expressions of almost universal good-will from the Colonists, from which we trust he will hereafter receive the reward of all his sufferings. He was to commence the re-publication of his Journal on the 31st of August.—Nov. 4.

A Cape of Good Hope paper of the 12th of July announces the expected return of Mr. Greig from England, and that his journal would be recommenced immediately on his arrival. We can only express our hope that his paper will continue to expose, in the same independent and useful manner the abuses of the Government of that Colony, to which it was the first to draw attention.—Oct. 11.

We learn, and for our parts, without any deep regret, that General Bourke has been appointed, almost two months since, as Lieutenant-Governor to our much afflicted Colony at the Cape of Good Hope. The understood purpose of this appointment is, to supply a *vacuum* in the Executive Government, which will be caused by the departure of a Noble Lord for England, whose absence from the Colony, it is presumed, will excite sensations to which the inhabitants have long been strangers. The residence of the Lieutenant-Governor is to be *Graham's Town*, in the “heart” of the English settlements—a spot about which the present Governor-in-Chief has never, we must acknowledge, appeared to feel a very lively interest. General Bourke will sail in the *Rainbow* frigate, if another vessel engaged for his conveyance shall not be ready by the middle of next month. Why the voyage of the Lieutenant-Governor has been so long procrastinated is another question. We are bound, indeed, to confess that it is impossible to credit the surmises which are circulated upon this part of the subject. People affect to say, that as Lord Charles Somerset must not

leave the Colony until the Lieutenant-Governor shall have arrived there, his Lordship's return to England has been delayed by the connivance, or even contrivance, of Ministers, that it may not take place until such a period of the Session as would render it impossible to carry into immediate effect a Parliamentary Inquiry into the conduct of the noble Lord, who might thus have the interval of another year to blunt the edge of public recollection—to shelter himself in oblivion, and, finally, to escape from retribution. We repeat, that it is impossible to credit such a tale—the King's Government cannot be so weak—it cannot be so borough-ridden, as to favor such ignoble subterfuges. But if the Ministers should capitulate on these terms with the Beaufort, Rutland, and Stafford oligarchy, the rest of the English Nobility, we are sure, must feel what is due to the honour of their own caste ; and Parliament will not be wanting to the demands of the British Nation for justice.—Oct. 26.

[Printed Copy.]

*Notice in the South African Commercial Advertiser of the 18th
January 1826.*

New Organ.

The Subscribers to the *New Organ* are respectfully informed that the Publication of that Work is suspended by an Order of His Excellency the Governor in Council, until a reference can be made to Lord Bathurst on the subject. Subscriptions which have been paid in advance will be returned on application to the Publisher, or his Agents.

(Signed) JOHN FAIRBAIRN.

CAPE TOWN, *January 17th 1826.*

(Copy.]

Letter from LORD CHARLES SOMERSET *to* GEORGE J
HARRISON, ESQRE.

CAPE OF GOOD HOPE, 19th January 1826.

SIR,—I do myself the honor to transmit to you a letter from the commanding Royal Engineer on this Station (Major Holloway) stating that the difficulty that exists in introducing a charge for the Military Survey service of this Colony, since the expenditure of that Department has been transferred to the Board of Ordnance, on account of its not being for “works or repairs.” Previous to the transfer of the expenditure to the Ordnance Department the sum of £300 was annually estimated for the military survey service in the annual estimates transmitted to the Lords Commissioners of His Majesty’s Treasury and approved by their Lordships.

By the enclosed copy of a Dispatch from Earl Bathurst you will perceive that His Lordship considers the survey of the Colony very desirable.

I have therefore to solicit that you will do me the honor to submit the subject to the Lords Commissioners of His Majesty’s Treasury, not doubting but that a communication from their Lordships to the Board of Ordnance will ensure the admittance of an annual charge for the military survey service on this Station—actually expended—not exceeding Three Hundred Pounds. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from SIR RUFANE DONKIN *to* R. W. HAY, ESQRE.]

33 PARK STREET, January 19, 1826.

SIR,—In reference to your letter of the 24th ultimo which I had the honor of acknowledging from Bristol, I beg leave to state for Earl Bathurst’s information that I have looked over my papers here unsuccessfully for specific information relative

to the alteration made in the Light House at the Cape of Good Hope by Mr. Schutte, but I have perfect recollection of a second plan having been laid before me of the nature described by Mr. Schutte in his Papers (herewith returned) as well as of its being urged strongly to me that it was material that the man having charge of the light should reside within the house, and not in any detached building ; but I have no recollection of any specific agreement having been made for any extra sum of Money ; but if Mr. Schutte can show that the alteration was attended with extra expense I respectfully submit that such expense having for its object to render more efficient that most useful edifice a Light House on Green Point, ought to be paid ; and had I remained to see those alterations in progress, I should no doubt have submitted the extra expense (if any had been incurred) for Earl Bathurst's approval.

In regard to the damage stated by Mr. Schutte to have been done by the violence of the weather, that fact is in my perfect recollection, and I am disposed to submit that the losses occasioned by a visitation of this nature should not fall on the Contractor. I have &c.

(Signed) R. S. DONKIN.

[Copy.]

Letter from the Fiscal to the Secretary to Government.

FISCAL'S OFFICE, 19 January 1826.

SIR,—I have the honor to return to you herewith the original dispatch from the Secretary of State for the Colonies, covering a Copy of a Memorial which has been addressed to His Lordship by Jacob Theron, both referred to me by your letter of the 4th June last, with His Excellency the Governor's directions to make a strict inquiry into all the circumstances which are set forth in the above memorial and to furnish you for His Excellency's information with a full report thereon. As the ordinary business in my office did not allow me so much leisure as would have been required for an early compliance with His Excellency's said direction, I hope this will be my apology for not having

sooner sent to you my report thereon, which I have the honor now to enclose.

The great variety of documents accompanying my report has necessitated me to form proper lists thereof, to which I take the liberty to refer you for the explanation of the marginals.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Enclosure in the above.]

Report of the Fiscal on the Memorial of Jacobus Theron addressed by him to His Majesty's Secretary of State for Colonial Affairs.

The memorial of Jacobus Theron which measures a space of nearly seven years divides itself into several unconnected parts, which require to be separately considered.

To commence with the first part, which refers to his trading concerns as a hawker or itinerating merchant in the year 1817, I find therein a charge against the Landdrost of Graaff Reinet of abuse of power in having taken out of Memorialist's possession two bush girls (children belonging to the Bushman tribes) whom he states in his memorial to have procured from Willem and Gerrit Brits, farmers in the District of Graaff-Reinet, on condition that he should cause the children to be instructed and on his undertaking that they should not again become an incumbrance on the said Willem and Gerrit Brits.

Having obtained the Landdrost's own explanation of his conduct conveyed to me in a letter of the 27th June last, with the documents annexed thereto, and being well aware that His Excellency on his perusal of the said letter and annexed documents will approve the motives by which the Landdrost throughout this whole affair has been guided and his prudence in having withdrawn from the care of such a man as the Memorialist was known to be those children whom he could not even prove to the Landdrost to have been procured from the persons named by him, Willem and Gerrit Brits, and with whom the Landdrost could with justice apprehend that Memorialist in

the face of the law for abolishing the slave trade would commence a sort of speculation for gain much resembling that trade, I thought it needless to enquire further on this first complaint. It requires to be noticed that the Landdrost at the very time he was informed of the conduct of the Memorialist in having secured to himself the possession of the bush girls, received information of the theft of an ox committed by Memorialist, and that Memorialist was prosecuted in the board of landdrost and heemraden of Graaff Reinet for his said offence, when he was found guilty thereof, and was accordingly condemned by sentence of that board passed the 7th November 1817 to the punishment of public scourging and confinement to the public works on Robben Island for the term of two years, which punishment however the Right Honourable Court of Appeals by its sentence passed in appeal on the 30th May 1818 was pleased to mitigate to one year's confinement in the town prison. I merely mention this circumstance, thereby to enable His Excellency to make the just comparisons. Yet I will have afterwards occasion renewedly to call His Excellency's attention thereto, when among the multifarious complaints that had been preferred in my office against the Memorialist during the time he had resided in Cape Town, this will appear to have been my conclusive reason for resisting the application made in the year 1819 by Mr. T. Collison for the usual permission to be granted to the Memorialist to hawk with merchandize in the interior. On my enquiry what became of the two bush girls taken from Memorialist, I have ascertained that they still remain under the humane protection of Mr. Johannes Lond, now residing in this town, under whose charge, according to the Landdrost's statement in his letter of the 27th June last they were placed at the time of their removal from the care of the Memorialist, and to whom they have been apprenticed on the 29th July 1823 by the Landdrost of Stellenbosch (where Johannes Lond was then residing) until they shall have attained the age of 20 years, as may appear to His Excellency from the annexed copies of the indentures of their apprenticeship.

I now request the attention of His Excellency the Governor to the complaint of Memorialist, which next in order follows his complaint against the Landdrost of Graaff Reinet, I mean the charge of partiality against the Court of Justice in having passed

sentence against him in a case of debt between himself and Mr. O. J. Truter, son of the Chief Justice.

I do not presume to offer an opinion respecting the justice or injustice of the Court's decision therein. The case having passed through the forms of judicial procedure, first in the court for petty cases, when the same has been decided in favour of Memorialist, and subsequently on appeal in the Court of Justice, where the sentence of the court for petty cases has been reversed, and from which Court there was no further appeal, I cannot but refer to the records and proceedings whereof I have procured translations, which I have the honor to annex hereto.

With regard to the complaint that the case should have been decided by Mr. O. J. Truter's father the Chief Justice, his uncle Mr. Bresler, and three nephews, and also two others nearly related to Mr. O. J. Truter, I cannot but observe that the day on which the case was decided in the Court of Justice (the 12th July 1821) five members of the Court not known to be in any way related to Mr. O. J. Truter, viz. the members Matthiessen, Hiddingh, Bentinck, Neethling, and Fleck, were present. The Chief Justice, Mr. O. J. Truter's father, appears from the record to have excused himself from voting, two other members, Messrs. Bresler and P. J. Truter, were relations of Mr. O. J. Truter, the first an intermarried uncle, of whom it may be doubted whether or not according to the law he could be allowed to vote in his case, the other cousin in the fifth degree of lineage who according to law was allowed to vote. As to the Advocate who patronized Mr. O. J. Truter's case, there exists no prohibition of the law known to me which would prevent one brother to advocate the cause of another brother, nor do I find anything objectionable in Mr. J. A. Truter having advocated the cause of his brother. And finally, as to the reason which induced the Right Honourable the Court of Appeals to pronounce the case to be inadmissible in appeal, I appeal to the Proclamation of the 30th May 1807, which fully accounts for the propriety of the decision.

I would now proceed to the third complaint of the Memorialist, which has reference to an advertisement inserted in one of the Cape Town *Gazettes*, but as Memorialist has most incorrectly antedated the said advertisement, which in some

measure influences the remarks he took occasion therefrom to make, I think it requisite here to follow the order of chronology and to step over to his fourth complaint, to which I now request His Excellency's attention.

The complaint which I allude to beginning in the memorial with the words *that in the month of July 1819 a Proclamation was issued for the encouragement of the trade with the Natives by establishing an annual fair at Beaufort*, and ending with the words *nor has your Memorialist ever received any satisfaction for the same*, will I am confident after my explanation appear to His Excellency to bear the same character with all his other statements, that is to say, to be a most extraordinary mixture of truths and falsehoods, and thereby to throw a false light upon almost everything stated by the Memorialist.

I will endeavour to render a comparison between the facts and the statement of the Memorialist easy, by submitting to His Excellency's consideration a narrative of the facts so as they really happened and by referring to the annexed documents by which the same are proved.

On the 27th November 1818 (not in July 1819) a Proclamation was issued containing regulations for the government of the newly formed sub-drostdy of Beaufort, in which it was directed that the Deputy Landdrost should take measures for establishing a market within the Beaufort District, and that he should take every measure to invite and entice the neighbouring tribes of Briquas, Bochuanas, or Bastards, to come to the same periodically with such cattle or effects as they might wish to dispose of, and that he also should invite hawkers and others to attend these markets, taking care to have every transaction regularly entered, and using the strongest precautions for the security and protection of the people who might come into our territories on such occasions; and wherein it was further provided that the strict regulations relative to the hawkers then existing should on no account be relaxed in the new District.

The strict regulations thus referred to in the Proclamation of the 27th November 1818 I hold to be the restrictions on the trade with Hottentots and other Natives specified in a Colonial Law of the 23rd promulgated the 29th October 1793, and such other Laws as have been therein renewed, and consequently

ought to be considered as if the same had been *verbatim* inserted or embodied therein, viz. the Laws of 24 September 1677, 4 April 1727, 8 December 1739, 6 April 1770, 16 June 1774, and 19 July 1786, as also the practice which has been introduced here under the sanction of Government with the view to enforce a strict obedience to the said Laws of not allowing any persons to hawk with merchandize in the interior unless upon a special permission granted them for such purpose, and signed by the Fiscal and the Chief Magistrates of the Districts in which they want to carry round their merchandize, or if they are inhabitants of such Districts then by the Chief Magistrate of the District only.

The market intended by the Proclamation of the 27th November 1818 to be established at Beaufort was to be a deviation from the existing restrictions on the trade with the natives, but as the same was ordered at the same time to remain under the strict regulations then existing relative to hawkers, the construction which I was induced to give to the Law was that no persons should be allowed to barter with the natives any articles specially prohibited by the Law, such as ammunition, gunpowder, &c., or to carry their merchandize to the market at Beaufort, without having previously obtained the usual permission for travelling with merchandize. Having premised these few remarks, I now proceed to my narrative.

In the latter part of June or the early part of July 1819 an application was made in my office by Mr. John Collison, merchant, for and on behalf of the Memorialist, to grant to the Memorialist my special permission to hawk with merchandize in the Beaufort District.

Being too well acquainted with the general conduct of the Memorialist to entertain the least hope for his good behaviour, or to rely upon the integrity of his future dealings with a race of people so easily imposed upon, fearing that the love of gain might seduce him to make attempts to barter gunpowder and ammunition for the cattle and other merchandize of these natives, and knowing that he had recently been convicted of a theft committed in the Graaff Reinet District, the same in which he made application to be allowed to travel with merchandize, I thought it would be a betraying of the trust reposed in me by Government if I was granting that permission to him.

Such have been my reasons for declining to accede to his request.

I then was accosted by a Mr. Hendrik Theron, brother of the Memorialist, to whom I also was induced to refuse my permission, not only for the palpable reason that my permission granted to that person would serve merely as a mask to cover the unlawful dealings of the Memorialist, but also on account of Mr. H. T. Theron's former conduct, he having been convicted of wounding another person by shooting at him in the evening, for which offence he was by a sentence of the Court of Justice passed against him on the 20th July 1815 condemned to one year's confinement on Robben Island, which sentence he appealed from to the Right Honorable Court of Appeals, but was again found guilty, and in consideration of his long imprisonment was ordered to give security for his good conduct and released under that security. As however after his release I had no occasion to find fault with his conduct it is not without reluctance that I am now obliged to mention this circumstance as an additional reason for my refusal.

Some days had elapsed when a new attempt was made on me to obtain the permission which I had refused to grant to the Memorialist and his brother, and this attempt succeeded.

On the 17th July 1819 one Mr. A. T. Hansen, having caused a list of merchandize to be framed on which his name appeared as the owner of the merchandize, presented to me his said list together with a Government licence to retail merchandize in the District of Beaufort, and requested my permission to travel to the Beaufort District and there to dispose of his merchandize as a hawking merchant. As I was not aware of any intercourse whatever in commercial dealings between that person and Memorialist, and as I knew nothing that could induce me to judge unfavourably of his character and conduct; the permission requested for was granted as a matter of course; still I took care to erase from his list some articles of ammunition, which he therefore was not allowed by me to carry round for sale or barter.

Soon after this I learnt from public report that Mr. H. T. Theron had set out on a journey to Beaufort with three waggons laden with merchandize. It even then did not occur to me that Hansen was the ostensible person in whose name these mer-

chandizes were to be carried round for sale and barter in the Beaufort District by Mr. H. T. Theron, or rather by the Memorialist : but acting as I did on the information which I received, I wrote to the Deputy Landdrost at Beaufort on the 23rd July 1819 with the view to caution him against all unauthorized attempts of Mr. H. T. Theron to put the Laws at defiance, and in the face of my refusal to barter with the natives on the frontier. On the 8th September 1819 a letter was addressed to me by the deputy Landdrost at Beaufort, wherein I was informed that he had arrested three waggons with their oxen and loads of merchandize, which were brought there as the property of several individuals with the fraudulent view of disposing of the same. I sent the deputy Landdrost my reply, which was written by me on the 17th September 1819, conveying to him all the information I could afford, and recommending him to carry his proceedings before the recently by Proclamation of the 27th November 1818 established Circuit Court of jurisdiction, consisting of the Landdrost of Graaff Reinet and one Heemraad. And from that time the case was left to the entire management and care of the Deputy Landdrost, who agreeably to my recommendation brought the same to the cognizance of the said Court and under the already quoted Law of the 29th October 1793 claimed confiscation of the waggons, oxen and the merchandize seized by him.

Various delays took place in the proceedings, principally owing to the absence of Memorialist from the Court, and it was in consequence thereof that on the 5th May 1820 a decree was passed by the Court for the provisional sale of some perishable goods.

At last an application was made by Memorialist to the Circuit Court of Justice, in consequence whereof the case was on the 1st November 1820 brought over to the cognizance of the Circuit Court of Justice, consisting of the members of the Court of Justice Messrs. Neethling and Buissinne, then sitting at the sub-drostdy of Beaufort. I know not what induced the Circuit Court of Justice to authorize this change ; but I find that there the case was again delayed by the absence of witnesses, whose evidence Memorialist had called upon in his defence.

After their return in Cape Town the members of the Circuit

Court Messrs. Neethling and Buissinne continued their investigation, and on the 1st August 1821 sentence was passed by the said two members, whereby the property seized by the Deputy Landdrost at Beaufort was with the exception of the waggons and oxen declared confiscated; and wherein I observe this peculiarity, that in lieu of the Law of the 29th October 1793, in which the former Law of the 16th June 1774 has been *expressis verbis* renewed and as it were embodied, the Law of 16th June 1774 is therein only mentioned, which has occasioned the Memorialist to complain that he had been condemned upon the old Dutch East India Proclamation of the 16th June 1774 instead of the Proclamation of the 29th October 1793, under which the goods were arrested; whereas on examination of these Laws it will appear that the Law or Proclamation of the 16th June 1774 is a Colonial, not an East India Law, and that the same is nothing else but a part of the Law or Proclamation of the 29th October 1793 quoted by Memorialist under date the 23rd October 1793.

Memorialist appealed from the sentence of the Circuit Court of Justice, but owing to his delays in complying with the orders of the Court, his appeal was pronounced to be abandoned by decree of the Court passed on the 12th March 1822. Notwithstanding this the appeal was again taken up by a subsequent decree of the Court passed on the 6th June 1822, and on the 30th November 1822 Memorialist obtained a decree from the Right Honorable Court of Appeals, reversing so much of the sentence of the Circuit Court of Justice as declared all the seized property to be confiscated, but approving of the confiscation of the gunpowder, lead, and gun flints, and with respect thereto affirming the said sentence.

At the perusal of Jacobus Theron's Memorial one would think that I had acted as a party in the judicial proceedings in that case; nothing, however, can be more incorrect. The same was under the prosecution first of the Deputy Landdrost at Beaufort, and afterwards of the Landdrost of Graaff Reinet, who acted in their own names and on their own official authority, without any order or direction from me, and I am at a loss to guess what inference the Memorialist wants to draw from the circumstance that Mr. Neethling, one of the judges, happens to be my brother in law, unless he mentioned the same under the

fallacious impression that I should have been personally interested in the case, and through my influence should have played the case as it were into the hands of Mr. Neethling. I therefore have thought it requisite to annex to this a copy of the whole of the proceedings, by which it will become evident that though the same may have originated in a deception practised on me in my late capacity as head of the Police, yet I had no interest therein, the prosecutor's share being due to the Prosecuting Officer; and that I took no other leading part in the proceedings than by recommending to the deputy Landdrost at Beaufort to submit the case to the jurisdiction of a Court whereof my brother-in-law Mr. Neethling was no member, whilst at the same time I declared to the Deputy Landdrost that he might take such other steps as might appear to him advisable.

The circumstance of the case having been transferred from the cognizance of the Board of Landdrost and one Heemraad of Graaff Reinet to the cognizance of the Commission of Circuit whereof Mr. Neethling was a member, was rather unexpected by me, and though I cannot say that the same agreed with my opinion, yet I must here observe that it took place in consequence of the Memorialist's own request.

As the duty now imposed upon me is confined to mere matter of fact, it would be foreign to the object of this report to enter upon observations respecting the proceedings adopted in this case. Respecting the property seized by the Deputy Landdrost at Beaufort and confiscated by decree of the Commission of Circuit, but whereof the greater part was ordered to be restored by the Right Honorable Court of Appeals, I find upon inquiry that the whole has been disposed of by public sale, part thereof by order of the Deputy Landdrost at Beaufort by virtue of the decree of sale of perishable goods passed the 5th May 1820, and the remaining part by order of the Landdrost of Graaff Reinet subsequent to the sentence of the Commission of Circuit, whereby the whole has been declared confiscated: it being a common practice in all cases of confiscation to convert the confiscated property into ready money through the means of public sales, as soon as a decree of confiscation has been obtained from the inferior Court, notwithstanding the appeal of the party against whom the confiscation has been decreed to a

Superior Court. The produce of the sales which took place of the property confiscated by sentence of the Circuit Court of Justice was remitted by the Landdrost of Graaff Reinet to the Sequestrator's Office, and there disposed of on behalf of the creditors of the insolvent estate of Mr. A. P. de Villiers. The reason which induced the Sequestrator to dispose thereof in this manner was because far the greater part of the property was bought by the Memorialist from Mr. John Collison on the credit of Mr. A. P. de Villiers, who had been compelled to pay the same to Mr. Collison, and in return had obtained a sentence against the Memorialist for the repayment of what was paid by him for and on behalf of the Memorialist, which sum far exceeded the proceeds of the already mentioned public sale ; and all this I am informed took place not without the knowledge of the Memorialist, who never ventured to lay his hands upon the produce of merchandize which he very well knew he never paid for ; although he made an attempt by a memorial presented to His Excellency the Governor to involve the Landdrost of Graaff Reinet in responsibility for not having remitted the proceeds of the sales to the Lombard Bank and consequently disregarded the 123rd and 124th Articles of the mode of proceeding in Crown Trials.

This attempt however failed. The Landdrost, being called by a letter from the Colonial Secretary of the 12th March 1823 to explain his conduct, did comply with the said direction by his report of the 26th March 1823, much to the satisfaction of His Excellency, so that it was thought requisite to inform the memorialist by a reply to his memorial dated 10th April 1823 that it had appeared clearly to His Excellency that no unnecessary delay had taken place in lodging the money in question as the law directs.

I believe it due to the character of the Landdrost of Graaff Reinet to notice a circumstance highly creditable to his honorable and disinterested feelings in this prosecution.

By the final sentence of the Right Honorable Court of Appeals so much of the sentence of the Commission of Circuit has been affirmed as regards the gunpowder and other confiscable goods. However personally interested in the preception of his share in the goods thus confiscated, the Landdrost of Graaff Reinet allowed the whole of the proceeds of the sale thereof to

be appropriated towards the payment of the debt of Memorialist to the insolvent estate of Mr. A. P. de Villiers, which was done accordingly.

In order fully to elucidate the manner in which the property seized by the Deputy Landdrost at Beaufort has been disposed of, I take the liberty to state that according to a sentence of the Court of Justice passed on behalf of Mr. A. P. de Villiers against the Memorialist on the 20th April 1820 he was indebted to the estate of Mr. A. P. de Villiers in the amount of 15,000 Rixdollars, for which the property seized by the Deputy Landdrost at Beaufort was attached by the Court's decree of the same date; and that the Landdrost of Graaff Reinet has remitted to the Sequestrator's Office on the 17th April 1822 the sum of Rds. 1,886 5, being the produce of the sales of the waggons and oxen not declared confiscated by decree of the Commission of Circuit bearing date the 1st August 1821, which the Sequestrator disposed of on behalf of the insolvent estate of Mr. A. P. de Villiers, and afterwards on the 14th March 1823 the sum of Rds. 9,785 1 1, being the produce of the sales of all the property declared confiscated by decree of the Commission of Circuit of the 1st August 1822, but partly restored to Memorialist by the subsequent decree of the Court of Appeals bearing date the 30th November 1822, from which however the Landdrost at the second remittance had deducted his percentages and other expences, and which amount the Sequestrator also disposed of on behalf of the insolvent estate of Mr. A. P. de Villiers. I now return to the complaint which in the order of Memorialist preceded his statement respecting the proceedings for the confiscation of what he called his goods, but which as having reference to an advertisement inserted in the *Cape Town Gazette* of the 28th October 1820 ought to have succeeded the same.

It will be recollected that the case of the Landdrost of Graaff Reinet *versus* the Memorialist was heard by the Commission of Circuit at Graaff Reinet on the 1st November 1820, when the Memorialist was present in the Court. The *Gazette* of the 28th October 1820 cannot have arrived at Graaff Reinet, but two or three days later, when the Memorialist must have been in the village of Graaff Reinet or on his return to Cape Town. As the case for the confiscation of what he called his goods was thus

pending in the Court, as Memorialist moreover was well known at Graaff Reinet, and had no other vocation but to return to Cape Town where the proceedings in his case were to be continued, I cannot but consider both the statement that he had accidentally seen the newspaper in the year 1819 whilst travelling, and his complaint about the injury it did him in his vocation, apparently the vocation of a travelling merchant, as very fallacious.

Having pointed out the fallacy of the complaint of the Memorialist in one respect, it is a tribute due to impartiality to say that in another respect the same perfectly agrees with the truth, for in the advertisement alluded to by the Memorialist is stated that in a case of the Fiscal *versus* Jacob Theron on a charge of injury accompanied with threats of beating Willem Palm in the public streets, the defendant had been condemned to confinement of three days on water and bread, *cum expensis*, whereas on examining the records of the Court of Justice it will be found that on the 4th August 1820 two cases have been brought before the Sitting Commissioner, one against the Memorialist for having used opprobrious language against and threatened to beat the person of Willem Palm on the public streets, which case has been amicably settled between the parties through the intercession of the Sitting Commissioner, and the other against Henry Hammes for maltreatment of a person named Bordoe, who after due investigation has been condemned to three days confinement on water and bread in the prison here. The mistake has been most evidently occasioned through carelessness on the part of the Clerk in the Secretary's office of the Court of Justice, who was entrusted by the Secretary with the preparing of the Law report used to be inserted in the Cape Town *Gazette*, and who by passing over all that was inserted between the beginning and the end of the record of the 4th August 1820 and by connecting together the head and the conclusion thereof improvidently thought that the Memorialist had been condemned to three days confinement on water and bread, as will become more evident from the annexed translation of the records.

No doubt this mistake required to be redressed, and I am confident that such redress would have been obtained by Memorialist if he had made application to the public officer on whose

authority the Law report has been inserted in the *Gazette* of the 28th October 1820, but on perusing his memorial I find that he made application, or at least states to have made application, first at the *Gazette* office, then to me, and afterwards to His Excellency the Governor, so that according to Memorialist's own statement no application was made at the source from which the advertisement has emanated; and this being the case, it is not to be wondered at if no redress was given. With regard to the application said to be made to His Excellency the Governor and to myself, I most solemnly declare that I have no recollection whatever of such an application having been made to me, and I am certain that I never can have made use of the terms "I will be the greatest enemy you ever had," for whatever may have been my aversion to the general conduct of Memorialist, nothing could induce me to entertain a private feeling against his person, as to my recollection he never did me any personal injury, although he may have made occasional attempts thereto by misrepresenting my official conduct towards him to the Court and to the Governor in the same manner as I find he has attempted to misrepresent the same in his Memorial to the Earl Bathurst.

Very striking instances of such misrepresentation are contained in those parts of his memorial to which I am now advanced, beginning with the words *That your Memorialist in December 1823 &c.* Not to enter into an unnecessary and tedious refutation of this very curious assemblage of falsehoods, I will endeavour to lay before His Excellency a plain statement of the facts mutilated by Memorialist, and of such other circumstances as must be necessarily connected with the same.

During the year 1823 the conduct of Memorialist has been exceedingly outrageous and has repeatedly called forth the active interference of the Police. About the middle of March 1823 Mr. J. D. E. Grimbeek made affidavit upon oath that he had been assaulted by Memorialist, and that the threatening language used against him by Memorialist was sufficient to justify his apprehension for the repetition of a similar or worse assault. In consequence of this, as Memorialist could not find personal security for his good conduct, he was according to the 95th and following Articles of the Crown Trial committed to

prison, and his arrestation was approved of by the Sitting Commissioner of the Court of Justice.

The consequence of such imprisonment is that the prisoner must remain in confinement until he shall find security for his good conduct, or otherwise shall be released by judicial authority. After a confinement of about five weeks I was induced by the solicitations of the Memorialist, who could not find personal security for his good conduct, to make application to the Sitting Commissioner of the Court for his release under juratory caution, whereby a person is bound over by judicial authority on a solemn oath to keep the peace. On the 21st April 1823 the Memorialist, having first declared in the Court that he was unable to give the security required by the Crown Trial, was admitted to such juratory caution, and having made oath that he would not disturb the public peace and in particular that he would not molest the person of J. D. E. Grimbeek, was released. Afterwards on the 12th May 1823 the case was tried before the Sitting Commissioners of the Court, when Memorialist was declared guilty, but in consideration of his five and a half weeks imprisonment he was exempted from further punishment. Soon after this one of the sisters of Memorialist sought redress in my office against the threatening of Memorialist, and was obliged to repeat her application in writing. Another occurrence happened in the month of August 1823, when an Inhabitant named J. D. de Villiers complained in my office of being assaulted and maltreated in the streets by the Memorialist, who moreover had broken two of his wine casks.

None of these cases was brought before the Sitting Commissioner of the Court of Justice. But another happened soon afterwards which was reported in my office by a woman named Margaret Smith, who it appeared was most severely beaten by Memorialist in her own house. This case was thought to require the judicial cognizance of the Sitting Commissioner of the Court of Justice, by whose sentence passed on the 4th September 1823 Memorialist was condemned to a fine of two hundred Rixdollars, and in case of inability to pay the fine to a confinement of three months in the town prison. Memorialist thought proper to note an appeal from this condemnation of one Commissioner of the Court of Justice to the full Court, but did not prosecute his appeal, and it was in consequence thereof

and of his inability to pay the fine incurred, which is proved by his declaration made in the Sequestrator's office on the 29th September 1823, that on the 5th December 1823, the day on which he was made prisoner by order of the Deputy Fiscal, Mr. D. C. van Ryneveld, the condemnation to three months imprisonment required to be put in execution. In the morning of that day (5th December 1823) Mr. P. Auret, then first clerk in my office, complained to me about a personal insult offered him by the Memorialist, which however I do not recollect to have considered such as to require any immediate personal interference. But on the same day a person named John Howe addressed himself in my absence from the office to the Deputy Fiscal, Mr. W. C. van Ryneveld, with a complaint of severe ill-treatment and wounding inflicted on him by Memorialist, upon which the Memorialist was required by a messenger of the Court of Justice ordered thereto by the Deputy Fiscal, Mr. W. C. van Ryneveld, to appear in the office.

It then was thought not longer safe to let him remain at large without proper personal security for his good conduct, he having perjured himself by repeated violations of the peace, in defiance of his oath to keep the peace, on which he had been released on the 21st April 1823 ; and he was in consequence taken into custody by order of the Deputy Fiscal Mr. W. C. van Ryneveld, who afterwards reported the circumstance to me and obtained the approval of the Sitting Commissioner of the Court on the following day, 6th December 1823. The manner in which the Memorialist was ordered to be arrested and the particulars relating to the act of his arrestation are explained in the letter from Mr. W. C. van Ryneveld of the 11th January 1826, to which nothing can be added by me, because I happened to be absent from the office when the circumstance took place. After his arrestation I not only received the report thereof from Mr. Van Ryneveld, but I was also informed that the Wardmaster Mr. H. A. Moller, who had witnessed the savage conduct of Memorialist towards John Howe and had exhorted the Memorialist to be quiet, had been most shamefully insulted and threatened by the Memorialist.

Being thus compelled to keep the Memorialist in close confinement, and at the same time meditating a prosecution against the Memorialist for various indictable offences which succes-

sively had come to my knowledge from the 18th November 1822 until the day of his last arrestation, and for which he had not yet been tried, I certainly did not take any step for his release as I had done on the 21st April of the same year, when he was released under juratory caution ; but I find it has been most erroneously observed in the Memorial that according to the Crown Trial he should have been entitled to the privilege of being tried within eight days from the date of his arrestation, for as he had been arrested by virtue of Article 97 of the Crown Trial, of course that privilege granted to accused persons who are arrested on suspicion of crime by virtue of an antecedent judicial decree did not extend to the case of the Memorialist, who according to Article 97 of the Crown Trial could not but remain in custody until he should give personal security for his good conduct, or otherwise be released by decree of the Court ; over and above which he was liable to three months imprisonment by virtue of his condemnation of the 4th September 1823.

Notwithstanding this I availed myself of every opportunity allowed me by my other avocations to collect preliminary information against the Memorialist, and on the 6th January 1824 he received my communication of the Act of Indictment formed against him.

The further prosecution before the two Commissioners from the Court of Justice was left by me to the management of the first Deputy Fiscal, Mr. Lind, who brought Memorialist to trial on the 10th January 1824, and after some unavoidable delays on the 5th March 1824 brought the case to a termination, when the Memorialist was found guilty of Falsity (*crimen falsi*) and deceit, as also of disturbing the public peace, aggravated by Perjury, atrocious Injury (*injuria atrox*), and incorrigible conduct mentioned in the first and fourth Counts of the Indictment, and was in consequence condemned to be banished from the Colony and dependencies thereof for the first ensuing seven years, and to be secured on Robben Island or somewhere else until an opportunity should offer for his embarkation.

I have thought it requisite to annex to this an entire translation of the trial of Memorialist and of its annexures and further documents relating to the same, which will afford to His Excellency an opportunity to form the most impartial

opinion concerning each particular connected with the prosecution of this case of Memorialist.

It would be now my duty to reply to the various statements of the Memorialist by which he has attempted to stigmatize my official conduct in his case, such as the reason by which he states to have been induced to strike his servant John Howe, the pretended intoxication of his said servant, the circumstance of his arrestation on the 5th December 1823, and of his being on that day interrogated by the Fiscal (meaning thereby myself) and having defended himself, the offering of bail to any amount, my reply that I should have had sufficient influence with Lord Charles Somerset to take upon myself the responsibility of his detention, his being brought to trial after three months imprisonment, the sworn declaration of John Howe that he never had complained of the conduct of Memorialist against him, &c., it would be also my duty to direct the attention of His Excellency to the artful dissimulation of Memorialist of all the charges on which he has been tried, only except that of his maltreatment of John Howe, but as the whole tissue of his most scandalous deceit may be disentangled by the perusal of the proceedings just referred to by me I think it useless to enter upon any refutation of his statements.

I also pass over with silence the circumstance of his having made application to his Excellency the Governor for His Excellency's permission to prosecute his appeal from the condemnation of the 5th March 1824 before the full Court, and the reply of the 20th May 1824 declaring to the Memorialist that his request could not be complied with, the reason of which reply is very obvious.

The statement respecting Mr. Van Ryneveld's pretended offer to intercede in his behalf with His Excellency the Governor is declared by Mr. Van Ryneveld to be false.

The Memorialist about the end of his memorial alluding to the time he was confined on Robben Island, accused the late Captain Petrie, then Commandant of Robben Island, of a threat to flagellate him, which, however, he stated was not executed. But here I am prevented through the decease of Captain Petrie to investigate the matter and to lay before His Excellency a true statement of the circumstances alluded to by the Memorialist, which, if this charge bears the same character

as all his other charges, most apparently would be the means of exonerating Captain Petrie of all the blame attempted to be laid on him.

Having thus endeavoured to state for the information of His Excellency the Governor the true and simple facts relating to the complaints preferred by the Memorialist to His Majesty's Minister of State for the Colonies, I conclude this report by requesting His Excellency's indulgence for any omission, if through the great variety of matter contained in this Memorial a circumstance or circumstances requiring any elucidation may have escaped my notice; and whatever further information may be thought necessary I am ready to obtain whenever required thereto.

FISCAL'S OFFICE, 19th January 1826.

(Signed) D. DENYSSEN, Fiscal.

[The annexures to the above fill a thick volume, and it could serve no useful purpose to reproduce them here.—G. M. T.]

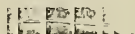
[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 20 January 1826.

MY LORD,—I have had the honor to receive your Lordship's Dispatch No. 187 of the 5th September, enclosing Copy of one addressed by your Under Secretary of State to the Agent for the Colony relative to the course to be pursued henceforth in regard to Applications from Individuals respecting persons resident in this Colony, and I beg leave to assure your Lordship that your Instructions on this Head shall be strictly adhered to.

I have &c.



(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 20 January 1826.

MY LORD,—In compliance with the directions conveyed to me in your Lordship's Circular under date the 31st December 1823, I have the honor to transmit to your Lordship for His Majesty's information a List of the Officers whom I have appointed to vacancies that have occurred on the Civil Establishment of this Colony during the year 1825, to which I solicit your Lordship's confirmation. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

List of Officers appointed to Vacancies on the Civil Establishment of the Colony of the Cape of Good Hope during the year 1825.

Date of Appointment.	Name.	Office.
1825		
21st January	V. A. Schönnberg	Sequestrator, vice J. van der Riet resigned.
„	Harry Rivers ..	Landdrost of Swellendam, vice V. A. Schönnberg, removed.
„	W. B. Dundas ..	Landdrost of Albany, vice H. Rivers removed.
„	J. Wyer	District Surgeon at Simon's Town, vice G. Glaeser resigned.
27th „	R. J. van der Riet	Political Commissioner of Church affairs, vice P. J. Truter resigned.
25th March..	J. van Ryneveld	Deputy Landdrost of Clan William, vice Captain Synnot resigned.
31st „	J. H. Brand ..	Member of the Court of Justice, vice F. R. Bresler deceased.
„	J. M. Horak ..	Receiver of Land Revenue, vice J. H. Brand promoted.
„	S. V. Cloete ..	Wharfmaster, vice J. M. Horak promoted.
„	G. Dyason ..	District Clerk and Registrar of slaves in the Albany District, vice N. van Nuldt Onkruydt promoted.
„	J. Brink	Collector of Stamps, vice S. V. Cloete promoted.

List of Officers, &c.—continued.

Date of Appointment.	Name.	Office.
1825		
8 April ..	C. M. Zastron ..	Book-keeper to the Printing Department, vice J. Brink promoted.
„	H. Tennant ..	Accountant in the Colonial Office, vice F. S. Watermeyer promoted.
10 June ..	James Horne ..	Member of the Orphan Chamber, vice A. J. van Breda deceased.
7 July ..	J. D. Overbeek ..	Collector of Stamps, vice J. Brink promoted.
14 „ ..	Major M. J. Blake	Commandant and Government Resident at Simon's Town, vice Lieutenant Colonel Somerset promoted.
1 August ..	P. J. Truter ..	Bookkeeper to the Printing Department, vice C. M. Zastron.
4 „ ..	Geo. Marsh ..	Superintendent of the Government Printing Office, vice A. Rickert dismissed.
	E. Bergh ..	Secretary to the District of Graaff Reinet, vice J. Muller resigned.
24 August ..	Rev. Geo. Thom	Minister at Tulbagh, vice J. J. Kicherer deceased.
13 Oct. ..	R. Saunders ..	English Teacher at Tulbagh, vice J. Rattray dismissed.
17 Nov. ..	W. J. Earle ..	Master of the Grammar School at Bathurst, vice Rev. W. Boardman deceased.
„	J. Coleman ..	Teacher of the Free School at Simon's Town, vice W. Clark dismissed.
15 „ ..	W. Hewitson ..	One of the Directors of the Bank, vice A. V. Bergh, resigned.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 20th January 1826.

SIR,—I am directed by Lord Bathurst to request that you will be good enough to make arrangements for transmitting regularly to this Office copies of the Newspapers which are published at the Cape of Good Hope. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 21st January 1826.

MY LORD,—I have had under my consideration the papers enclosed in your Excellency's dispatch of the 17th September last, relative to the claim of Mr. Schutte the Contractor for building the Lighthouse, who requests payment of the sum of five thousand six hundred Rixdollars, being the difference between the sum for which he engaged to erect the Lighthouse, and the expence which he alleges to have incurred in completing that work.

From a communication which I have had with Sir R. Donkin upon this subject, it appears that he has authorized a very material deviation from the original plan of the building ; and although a most unwarrantable neglect seems to have been committed in not recording the sanction given by the Acting Governor to the additional work and consequent expence which that measure must have created, yet I am of opinion that this circumstance ought not to invalidate the claim of the Contractor ; and if he can shew, which I presume he can, that he has not made an unreasonable charge for the additional work which he has performed, your Excellency will direct that his claim should be liquidated together with the interest which has accrued thereon from the time when the building was completed.

With respect to the losses which Mr. Schutte alleges to have sustained from the damage done to the building by stormy weather, and before it was completed, it is impossible for me to entertain a claim so undefined ; and I am of opinion that it may be prudent to defer any payment to which Mr. Schutte may be entitled on this score, until it has been ascertained that no apprehension need be entertained for the stability of the building. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 22nd January 1826.

MY LORD,—Having communicated to the Lords Commissioners of His Majesty's Treasury your Excellency's dispatches of the 28th April and 27th May last relative to the discovery of a defalcation of a portion of the Colonial Revenue of your Excellency's Government for the year 1813, their Lordships have directed their Secretary to address a letter to my Under Secretary of State, of which I transmit a copy together with the enclosures thereunto annexed for your Excellency's consideration, and in compliance with the wish expressed by their Lordships I have to desire that you will take measures for instituting a particular and full investigation into all the circumstances connected with the transaction in question.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from LIEUTENANT J. H. RUTHERFURD *to*
R. W. HAY, ESQRE.

GEORGE STREET, EDINBURGH, 22nd January 1826.

DEAR SIR,—In reply to your letter of the 18th Instant, I beg to inform you that I am a stranger to the merits of Lieutenant White's claim for an additional grant of Land at the Cape of Good Hope, and am totally ignorant of any personal differences having ever existed between that person and His Excellency Lord Charles Somerset.

Mr. White was employed soon after his arrival in the Colony as an assistant Engineer, and I am aware that his misconduct in that capacity gave great dissatisfaction to Major Holloway, the Commanding Officer of the Department. His transactions, so far as came to my knowledge, would incline me to doubt the strict veracity of any statement he might make, but from

the want of the correspondence which took place between Mr. White and the Engineer Department at the Cape, I cannot produce specific instances in support of this opinion. Yet I should certainly conceive it desirable that no indulgence be extended to this individual until further information of his character be obtained by a reference to Lord Charles Somerset or Major Holloway, who is still Commanding Engineer at the Cape.

As far as I can recollect, Mr. White's occupations at the Cape of Good Hope must have precluded him from either bestowing time or incurring expense in agricultural pursuits.

I beg leave to state that I shall proceed to London on Thursday next, and shall have the pleasure of waiting on you immediately after my arrival in Town. I remain &c.

(Signed) J. H. RUTHERFURD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 23 *January* 1826.

MY LORD,—The Reverend John Wagenaar, a Roman Catholic Priest, having been recommended to me by the Reverend Dr. Poynter as a fit person to officiate in that quality to the Roman Catholics residing at the Cape, I have to desire that your Excellency will direct that an annual Salary of one hundred Pounds Sterling be issued to the Reverend Mr. Wagenaar during his residence in the Colony. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 23 *January* 1826.

MY LORD,—In acknowledging the receipt of your Lordship's Despatch No. 191 of the 19th September last, relative to the Defalcation in the Receiver General's Office in the year 1814;

I beg leave to state to your Lordship that Major Munro who acted as Auditor at that period left the Colony in the year 1814, but from some information I have received here, I understand he now resides in London and that his address may be known on application to Lord Howden.

I have the satisfaction of stating to your Lordship that the whole amount of the deficiency above alluded to, viz. Thirty six thousand two hundred and seventy-seven rixdollars two skillings and two stivers, has already been recovered.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 23 January 1826.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Despatch No. 186 dated 4th September last, requesting to be informed of the circumstances under which it may have been judged necessary by the Acting Governor Sir Rufane Donkin to create the new appointments of Secretary to the Deputy Landdrosts at Clanwilliam and at Cradock.

In reply I have the honor to acquaint your Lordship that the Acting Governor having thought it expedient by Proclamations issued on the 15th September and 6th October 1820, Copies of which are herewith enclosed, to establish in the Sub-drostdies Courts for the registration of marriages and for the cognizance of Criminal and Civil Cases, the appointment of Secretaries at Clanwilliam and Cradock for the purpose of conducting the prosecution in such criminal cases as are cognizable by the Board of Deputy Landdrost and Heemraden, and of executing the various duties attached to those situations appears to have been a measure consequent thereupon. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 23rd January 1826.

MY LORD,—In the course of the inquiries that we have made into the general administration of the Government and the immediate control exercised by your Lordship in the several Departments, we have frequently had occasion to trouble your Lordship with applications for copies of documents, as well as for explanations which have enabled us to fulfil that part of our Instructions that related to the subject of general administration, but as His Majesty has been graciously pleased to establish a Council in this Colony, it has now become our duty in reporting upon the manner in which the Executive and Legislative Functions have been discharged, to ascertain what degree of assistance may have been afforded, and whether any control may have been exercised by the Council, as well as the immediate effects and tendency of such an Institution.

With this view therefore we have the honor to request that the minutes of the Council may be submitted to our perusal, and that the Members may be apprized of our intention to call upon them for such explanations of the mode of proceeding in Council as may be necessary to elucidate the subject of our inquiries, under the confidence which we hope they entertain, that as such disclosures will be made to the Individuals who are expressly commissioned to conduct Inquiries and receive communications for and on behalf of His Majesty's Government, they do not in any degree interfere with that obligation of secrecy which they have solemnly sworn to observe respecting matters or discussions that are brought before the Council.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to R. W.
HAY, ESQRE.*

CAPE TOWN, 23rd January 1826.

SIR,—We have the honor to acknowledge the receipt of your letter of the 3rd September last, enclosing the memorial of Lieutenant White, and as we do not observe that there are any points which had escaped our notice in the inquiries we had before made into the merits of this case, we beg leave to refer to our report to Earl Bathurst of the 27th October 1825, and which we prepared in pursuance of an intimation from Mr. Wilmot Horton, that the transmission of it would be desirable.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MR. H. W. WILTON to R. W. HAY, ESQRE.

NO. 4 REGENT STREET, PAUL MALL, 23rd January 1826.

SIR,—I have the honor to inform you that a Meeting took place on the 21st Inst. at which a large majority of the Gentlemen interested in the proposed South African Company, for whom I had the honor to address the Right Hon'ble Earl Bathurst last year, signified their readiness to renew, with certain modifications arising from the change of circumstances generally, the Proposals to which the attention of His Majesty's Government was then solicited.

I beg further to add that the Committee of Management will therefore be prepared to attend at the Colonial Office on any day that it may be convenient to appoint, for the purpose of submitting the proposals in their amended form.

I have &c.

(Signed) H. W. WILTON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 24 *January* 1826.

MY LORD,—I think it right to put your Excellency in possession of a representation which has been received from a Mrs. Erith in which she complains of the treatment which she experienced whilst preferring claims upon the Colonial Government of the Cape of Good Hope for money which her husband alleged to be due to him on the balance of his deposits as a Settler in that Colony. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MR. W. D. FRANCIS.

DOWNING STREET, 24th *January* 1826.

SIR,—Having laid before Earl Bathurst your letter of the 17th instant, I am directed to acquaint you in reply that it is not in his Lordship's power to comply with your request on behalf of the son of Mr. Adams who is settled with his family at the Cape of Good Hope, as his Lordship has not felt himself at liberty to grant an application which has lately been made to him by a large body of the Cape Settlers for transporting at the Public Expense their wives and families to that Colony.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 25 *January* 1826.

MY LORD,—In transmitting to Your Lordship the Duplicate of my Despatch of the 12th October last, covering refutations of the contents of a Petition presented to the House of Commons

from Bishop Burnett containing the most atrocious calumnies upon my honor and character, I do myself the honor to forward at the same time a letter since addressed to me by the Chief Justice (Sir John Truter) giving detailed explanations on the various subjects of complaint contained in the Memorial of Mr. B. Burnett and accompanied by Documents relating thereto.

I also take the liberty of enclosing to Your Lordship Copies and translated Copies of the proceedings had in the several Cases alluded to by Mr. Burnett. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, 30th December 1825.

MY LORD,—In compliance with a Letter of the Colonial Secretary dated 26th September last, conveying an Extract from a Petition which has been addressed by Mr. Bishop Burnett, a Settler, to the House of Commons, we have the honor herewith to transmit to Your Excellency Copies and translated Copies of the Proceedings held in the several cases alluded to by the Petitioner, and to remain with the highest consideration and respect, &c.

The Chief Justice and Members of the Court.

(Signed) J. A. TRUTER.

By order of the Court.

(Signed) D. F. BERRANGE, Secretary.

To His Excellency the Right Hon.

General Lord C. H. Somerset,

Governor and Commander in Chief, &c., &c., &c.

[Annexure A.]

GRAHAM'S TOWN, 11th August 1823.

The Memorial of Charles Stone, Merchant, to His Excellency Lord Charles Henry Somerset, Governor, &c., &c., &c., Humbly Sheweth

That your Memorialist is a Creditor in the Estate of Bishop

Burnett declared Insolvent by the Sequestrator in the *Courant* April 27th and May 4th 1822.

That your Memorialist has never received any dividend, nor does he find that any steps have been taken to dispose of his property for the benefit of his Creditors.

Your Memorialist is acquainted that the Sequestrator soon after the publication of the Insolvency did institute some proceedings here, but they were almost immediately stopped in consequence of a proposition made by Bishop Burnett thro' Mr. Eaton to the Sequestrator to pay his creditors by Bills on Sir Robert Burnett & Co., Vauxhall. This proposition was never made to the Creditors, and your Memorialist being at the time in Cape Town was told by Mr. Eaton that it would be of no avail, he having just received letters from his partner, Mr. Ebden (then in England) that Bishop Burnett's Bills would not be paid. Almost a year elapsed since that communication, and yet B. Burnett continues to act as a Solvent man, buying, selling, and exchanging without the Fear of the Law before his Eyes.

Your Memorialist could bring in proof many instances ; he will notice three which came under his cognizance, namely one hundred ox hides bought of one Mr. Kenny, a tanner in Graham's Town, and sold to one Smits residing at Port Elizabeth ; this was about six months since. About the same time he sold to one Ulyate, a Settler, ten oxen valued at Two Hundred and Fifty Rixdollars ; and now within a few weeks he sold to a Mr. Lee a patch of wood in his Grant for Three Hundred Rixdollars, and to another of the name of Fancourt another patch for Six Hundred Rixdollars, all this in *his own name*, although he took an oath before the Authorities here on the 30th of March 1822 that he had no property whatever. This was in consequence of two sentences against him by the Sequestrator, one of Mr. Hart, the other Mr. Devenish. He swore that all he had in possession belonged to Messrs. Ebden & Eaton by virtue of a bond given to them by him, and that he acted as their agent by virtue of a power given by them to him. Now Your Excellency will no doubt see that this has shortly the appearance of a manœuvre to defraud his other creditors.

Your Memorialist knows that Messrs. Ebden & Eaton have

a bond to secure their debt of about Four Thousand Rixdollars, but surely that does not give them (and your Memorialist has much too high an opinion of those gentlemen to suppose them to claim) the power of disposing of the property for their sole advantage. The Bond can only be a collateral security for their claim, the Property (your Memorialist presumes to think) should be sold off by the Sequestrator for the benefit of *all his creditors*. This property has been lately estimated by three persons (selected by Mr. Burnett for the valuation of it in order to get an advance from the Bank) at Fifteen Thousand Rixdollars, as your Memorialist has been informed.

The delay in the proceedings against Bishop Burnett affects your Memorialist in a greater degree than any other of his Creditors, having a claim of upwards of Eight Thousand Rixdollars upon the estate of George Bennett, a Bankrupt more than two years since, to which estate the said Burnett is a debtor Two Thousand Five Hundred Rixdollars, so that as the Law of the Colony seems to be that the Sequestrator can make no dividend till he can make a *final one*, your Memorialist is kept out of his dividend in G. Bennett's Estate till the debt due by B. Burnett is paid in or at least settled. Thus your Memorialist is deprived of the use of a considerable sum of money for an indefinite time.

Your Memorialist in conclusion begs leave to state that he has no doubt Your Excellency will give his case as early a consideration as the multifarious concerns of Government will permit, and adopt such measures as Your Excellency's wisdom shall think proper, and your Memorialist as in duty bound will ever pray.

(Signed) C. STONE.

[Annexure B.]

To His Excellency Lord Charles Henry Somerset, Governor and Commander of the Forces at the Cape of Good Hope, &c., &c.

MY LORD,—I have been honored with your Lordship's note of the 11th ultimo and am at a loss for words to express my gratitude to your Excellency for your kindness in interfering on my behalf in the case of Mr. Bishop Burnett, which has

brought a decree from the Worshipful Court of Justice empowering the Landdrost and Heemraden of this district to decide the case, in consequence of which I repaired to Graham's Town to be present at their first sitting, on the first Thursday of August, but am sorry to find that no Court of Landdrost and Heemraden can sit till the 15th September next owing to the absence of the District Secretary, by which of course the whole is frustrated and Mr. Burnett has again gained time to do as he pleased with my property. The depredations he has committed and is continuing to commit cannot be made good by him in his lifetime if he was inclined to conduct himself properly, but I fear this is no part of his intention.

May I presume to crave your Lordship's interference once more in my behalf respecting the Sequestrator, as all the injuries I have sustained by loss of property as well as all representations I have made have originated (in my opinion) in the Sequestrator not carrying into execution the sentence I obtained against Mr. Burnett two years ago, which was handed to him to be carried into effect; all that he has done is to publish the Insolvency, authorising his agent the Landdrost of Albany to act thereon, which he afterwards stopped, assigning as a reason that Messrs. Ebdon & Eaton were about to make arrangements for the settlement of his debts, but I have heard nothing of any kind from the Sequestrator on the subject, and Mr. Burnett is allowed to transact to a considerable extent as a solvent person, in fact as a person of property. I am informed that he has sold two patches of wood or bush on his grant obtained from Government, one for 500 Rds. and the other for 400 Rds., and of late he has had three persons to value this property or grant, who from what motives I cannot tell have appraised it at 15,000 Rds., for the purpose of obtaining a loan thereon in mortgage to the Lombard Bank of two-thirds of that amount. It strikes me that whatever this property may be worth it should be disposed of for the payment of those debts he had contracted up to the period of his insolvency, if a surplus, that it should be appropriated to the liquidation of his debts since that period, which are considerable, and if inadequate, that the Sequestrator is responsible for the remainder, not having acted upon the sentence now in his possession.

May I crave your Excellency's interference in this case, and beg your Lordship will urge the Sequestrator to pay the debts due to me, as no doubt he has good ground for not carrying his sentence into effect, if not I conceive he is responsible to me for every debt contracted by Mr. Burnett since my sentence has been handed to him, as I have mentioned to him that his (Mr. Burnett's) debt was increasing monthly 50 Rds. for that farm; however I merely state my opinion upon this subject, and leave the whole to your Lordship's better judgment.

I have &c.

(Signed) ROBERT HART.

GRAHAM'S TOWN, 8th August 1823.

[Annexure C.]

CAMP GROUND, *January 20th 1826.*

MY LORD,—Referring to the letter which I had the honor of addressing to Your Excellency on the 12th of October last relative to the complaints of Mr. Bishop Burnett contained in a petition which he has presented to the House of Commons, and which by command of Your Excellency was referred to me, in order to examine the same and report upon its contents as far as relates to the administration of justice, I have the honor herewith to transmit the several Documents which I have been able to collect, in support of the opinion which in my said letter I have taken the liberty to express, with such additional elucidatory remarks as the nature of the case with due submission appeared to me to require.

From the following documents it will be manifest that Mr. Bishop Burnett cannot have brought any property of consequence into the Colony :—

1. A specific account of the Firm of Ebden & Eaton, from which it appears that on the 30th August 1820, within six months after his arrival in the Colony, Mr. B. Burnett was indebted to that firm in a sum of 3,960 rds. 1 sch.

2. A deed of assignment and inventory of Mr. B. Burnett's property, which was assigned over to Messrs. Ebden and Eaton on the 24th February 1821, from which it appears that if the Land granted to him gratis be excepted, Mr. B. Burnett at that

time did not possess property sufficient to cover his debts to Messrs. Ebden & Eaton.

3. An inventory of Mr. B. Burnett's property taken by the Sequestrator's Agent on the 9th May 1822, from which it appears that the state of Mr. B. Burnett's property had not improved after he had been settled for upwards of two years in the Colony.

4. Account sales of Mr. B. Burnett's property, including the said grant of land, from which it appears that if this ground be excepted, the whole of his remaining property did in April 1824 not exceed 647 rds. 4 schs.

5. Account of the liquidation of Mr. B. Burnett's estate, from which it appears that, after the distribution of the proceeds including the value of the said land, he remained still in debt 7,060 rds. 1 sch.

The annexed documents, sub. No. 2 to 38 inclusive, will prove the correctness of my statement in my letter of the 12th October last, and do consequently warrant the inferences then drawn, viz.

1. "That Mr. Hart's claim had no connection whatever with Mr. B. Burnett's expenditure on the premises."

2. "That Mr. B. Burnett's assignment of all his property to Messrs. Ebden & Eaton was made when he had other just debts to discharge."

To which I now beg leave to add that from a comparison of the documents No. 8, Mr. Burnett's note of the 10th January 1821 to Mr. Onkruydt the District's Clerk, No. 9, the Summons served upon him on the 19th February 1821, and No. 2a and b, the deed of assignment and inventory executed on the 24th February 1821, it will appear that he assigned over his property to Messrs. Ebden & Eaton at a moment when Mr. Hart was pressing extra judicially and judicially for the payment of his account for goods, part of which, viz. the oxen, are probably included in the assignment.

That judgment passed by default, without any other form than the service of summonses, which no civilized man can plead ignorance of.

From the documents Nos. 9, 10, 11, and 12 it will appear that Mr. B. Burnett was summoned four successive times, and that he so well understood the nature of the summonses served upon him that he was able to give a written answer to each of them separately.

That Mr. B. Burnett never tendered to the Landdrost as Agent for the Sequestrator a claim upon the Commissariat, but on the contrary declared that he had no credits, &c.

That the publication of Mr. B. Burnett's insolvency took place not immediately, but nearly six months after the sentence in favor of Mr. Hart had been presented to him for payment, and after he (Mr. Burnett) had repeatedly declared on oath that he was unable to pay. In elucidation of which a reference to the documents Nos. 13 to 21 inclusive will show that the sentence in favor of Mr. Hart was passed on the 26th July 1821, that on the 31st October 1821 the sentence was by the Landdrost presented to Mr. B. Burnett for payment, and that only after Mr. B. Burnett had on this date and subsequently on the 30th January and 30th March 1822 solemnly declared his inability to discharge his debts to Messrs. Hart and Devenish, who had since also obtained a sentence against him, or to assign sufficient property to that effect, the Sequestrator published his insolvency, which according to the colonial mode of proceeding was perfectly regular.

In consequence of the published insolvency of Mr. B. Burnett in April 1822, an inventory of the whole of his property was taken on the 9th May following, which being the natural prelude of a public sale Mr. B. Burnett on the 12th June 1822 wrote to the Sequestrator the letter hereunto annexed, No. 22, in which under an implied but unequivocal avowal of his insolvency he offers to settle his affairs by drawing bills on London, the Sequestrator retaining the same rights as he then possessed (on his property) until the bills would be honored, or by a liquidation of the claims by instalments of Two Hundred Rixdollars per month.

On the 28th June 1822 the Sequestrator writes to his Agent that it having appeared from a conversation with Mr. Eaton that the goods in the possession of Mr. B. Burnett were his (Mr. Burnett's) property, the Agent should arrest those goods, dispose of them by auction, and remit the proceeds.

Agreeable to this direction Mr. B. Burnett's property was announced to be sold by the Agent on the 24th July 1822, which was reported to the Sequestrator by letter of the 9th of that month, No. 25.

However on the 11th July 1822, (No. 24) before the sale took

place, the Sequestrator wrote again to his Agent that as the Firm of Ebdon & Eaton, as one of the principal creditors in the insolvent estate of Mr. B. Burnett, was willing to come forward to pay his debts and had requested provisionally to postpone the sale, the Agent was requested to stay the sale until further order.

In consequence of this suspension and in order to proceed regularly towards a settlement of Mr. B. Burnett's affairs, the Sequestrator at the request of Mr. Eaton for his firm by letter of the 21st August 1822 (No. 26) instructed his Agent to cause a revaluation to be made of all the property of Mr. B. Burnett, the object of which was further explained to the Agent by letter of the 13th September 1822 (No. 27), directing him at the same time to enquire whether Mr. B. Burnett's creditors were satisfied with his proposal to draw bills, and whether in consequence they were agreeable to postpone the execution, and for how long.

The Agent's reply to the Sequestrator's directions may appear from the documents Nos. 28, 29, and 30, being a letter dated 28th September 1822, enclosing a letter to Mr. B. Burnett dated 26th September, together with Mr. Burnett's answer dated the 27th, in which answer he now absolutely declined to draw bills upon England for the liquidation of the claims which were against him in the hands of the Sequestrator, adding however that he "had made a communication to Mr. Eaton, and the instant he received that Gentleman's answer he would do himself the pleasure to make a final communication," at the same time declaring in concluding the letter "that if the Sequestrator's object (in desiring a valuation) was to ascertain whether any surplus would remain over Mr. Eaton's claim after the sale of his effects, it might very soon be made manifest that the whole property was insufficient at that juncture to pay the preferent claims."

Under these circumstances Mr. B. Burnett on the 12th October 1822 upon an action of ejectment instituted by his Landlord Mr. Hart asserted before the Commission of Circuit at Graham's Town (No. 31) that the Sequestrator had been wrong in publishing that he was insolvent, requesting time in order to be able to write to Cape Town for the documents necessary to his defence, which was granted by the Commission of Circuit, but without Mr. B. Burnett having availed himself of this indul-

gence, so that no proof of it being produced before the next Commission of Circuit in 1823, and Mr. B. Burnett having moreover failed in the payment of the stipulated rent, the ejectment was decreed.

In the mean time some of Mr. B. Burnett's parties, unwilling as it seems to pursue judicial steps, applied in 1823 to your Excellency complaining of protraction in the execution of their sentences, which applications were referred to the Court of Justice, who referred them to the Sequestrator, and on his report directed this officer by their Resolution of the 5th September 1823 (No. 33) to furnish the ensuing Commission of Circuit with the necessary information, not only with respect to Mr. Hart's sentence, but also with respect to the estate of Mr. B. Burnett, in order to enable the Commission to pass a final decision.

The Commission of Circuit as may appear from their report hereunto annexed (No. 34) brought every case for and against Mr. B. Burnett to conclusion, and passed (except in one case which was reserved for the decision of the full court) their final sentence on all of them, against which sentences Mr. B. Burnett having lodged an appeal, without prosecuting the same (No. 35), the natural consequence was that through the suspensive effect of such appeal all further proceedings remained in complete abeyance, not for two years as Mr. B. Burnett asserts, but from October 1823 to March and April 1824, when the whole of Mr. B. Burnett's property was sold.

From these proceedings it will, I humbly trust, be obvious that no man has less reason to complain of the arbitrary conduct of the Sequestrator than Mr. B. Burnett, but that on the contrary his creditors have a right to blame the Sequestrator for having suspended the sale of Mr. B. Burnett's property upon a loose understanding with Mr. Eaton, who far from persevering in his intention to assist Mr. B. Burnett, has on the 14th June 1822, just about the time when the Sequestrator was negotiating with him to that effect, worked a Power of Attorney which on the 10th of March 1821 he had executed upon Mr. B. Burnett (Nos. 36 and 37).

The annexed report of the judges who composed the Commission or Court of Circuit in 1823 (No. 34) tends to prove that the proceedings in which Mr. B. Burnett was concerned have

been conducted with proper regularity, that no interference whatsoever on the part of the Colonial Government has taken place in those proceedings, and that Mr. B. Burnett had every opportunity to prove and assert his right. Mr. B. Burnett appears not to have been satisfied with the decisions of the Court and to have appealed against them, but from a certificate of the Secretary to the Court of Appeals (No. 35) it also appears that he never prosecuted any case in appeal. Of this his prosecution for libel cannot be assigned as the cause, because that prosecution only commenced after Mr. B. Burnett had neglected to prosecute his appeal, and after he had instead of appealing written a libellous petition and forwarded the same to His Excellency the Governor. From which the inference is obvious, namely, that he preferred traducing the character of the judges by an irregular and defamatory Memorial to a regular trial of the merits of his claims against Mr. Hart and others.

In addition to what I have had the honour to state in my letter of the 12th October last, I beg leave to say that it is not subject to the least doubt but that according to the Colonial Law the presenting of a petition containing libellous matter to the Governor, or any other authority, if legally established, is a publication sufficient of the same. Every one, agreeable to the expression of our law, is considered guilty of the crime of *defamatory libel* who shall have composed, published, disseminated, communicated, or printed any writing, relation, theatrical piece, pamphlet, or song, to the contempt, ridicule, or dishonour of any one, or who *malá fide* shall have occasioned anything of all this to take place. (Voet : comment. lib. 47, tit. 10, par. 10).

The act of composing a Libel renders the author liable to prosecution and punishment as soon as it is followed by any act of communication to any other person, either public or private. This constitutes a publication in the eye of the law (Lex 15 par. 29, ff. de injuriis et famosis libellis). And a Memorial presented to a Magistrate or constituted Authority is only then exempted from prosecution when the contents are not libellous and admit of a construction that the Author has acted either to defend or protect his own lawful interest or that of the public, and not from any offensive motive as in the present instance, where the mere wording of Mr. B. Burnett's,

memorial excludes the idea of a *bonâ fide* seeking for redress. His memorial hereunto annexed (No. 39) places this assertion beyond any doubt, since instead of the respectful language of complaint and decorous remonstrance, he assumes in the same a tone and a deportment which consistent with peace and order can belong to no individual in civil society. Under such circumstances it would be extremely irregular to allow Mr. B. Burnett to shelter himself under the *form* of his libellous writing, as being a petition which every one has a right to present to the Governor, for every man has as much a right to publish a book or pamphlet as he had to present his petition; but as it would be punishable in that man to write a scandalous book, so it is in him to make a scandalous and a libellous petition.

The act of presenting such a petition (this act and the identity of the petition being established) is by the Colonial Law considered as a sufficient publication, whilst Mr. B. Burnett's having recourse to such extraordinary proceeding instead of availing himself of the law by appealing to His Excellency the Governor in his judicial capacity, has evinced a malicious intent to do mischief.

Mr. B. Burnett's petition containing a scandalous libel against two of His Majesty's Judges, His Excellency the Governor had no alternative, but was under the imperative necessity of protecting these Judges against a most wanton attack of a most turbulent individual, by referring the prosecution to the usual course of the Law, which measure Mr. B. Burnett strives to construe into an arbitrary act of the Governor, whereas in so doing His Excellency only followed the usual course, the same as his predecessor the Earl of Caledon, who on a similar occasion ordered a prosecution against Dr. Halloran. This may be made apparent by a comparison of the letter written by your Excellency to His Majesty's Fiscal on the 11th December 1823 (No. 41) with the letter written by the Earl of Caledon on the 31st July 1810 to myself, then His Majesty's Fiscal (No. 42). It is further to be observed that an order issued by His Excellency the Governor to His Majesty's Fiscal to commence a prosecution does not warrant the Fiscal to take any step against an Individual unless he has previously submitted the grounds for a prosecution to the consideration of the Court of Justice and obtained from the Court an express decree to that

effect. Whilst the decree of acquittal in the case of L. Cooke quoted in Mr. B. Burnett's memorial clearly proves that an order from Government to prosecute is by no means binding upon the Court to condemn, and that consequently such order is nothing more than a reference to the usual course of the Law, through the competent officer of the Crown, leaving every latitude to the party concerned to clear himself in a legal manner. As to the punishments awarded against Mr. B. Burnett, the following may summarily be laid down as the Colonial Law :—

The crime of composing, publishing, disseminating, communicating, or printing libellous writings is by the Colonial Law considered as a crime of a most serious nature, the punishment of which in most cases attaches infamy on the character of the person convicted, which regularly renders him incompetent to give evidence before a Court of Justice and deprives him of several civil advantages in society. This evidently shows that the nature of the crime of libel, in the eye of the Colonial Law, is very different from what it is in the English Law, as may more fully appear from the following testimony of a Dutch Jurist of great repute : “ According to the Laws practised in our country (the Netherlands) the injury as well verbally as in writing is restrained by discretionary punishment, which according to the circumstances and nature of the facts and persons can be extended to corporal punishment and even to death itself.”

And in this spirit the Court of Justice passed sentence of banishment for life, or civil death (*mors civilis*) against A. Krynouw in 1783 and against Dr. Halloran in 1810, neither of which cases called so loudly for example as that of Mr. Bishop Burnett, who evidently strove to vilify the administration of justice at a moment of public ferment in which fortunately the Dutch Colonists did not participate.

This circumstance made it, independent of the regularity of the proceeding, the more imperative on His Excellency the Governor to call the law into action, for no inquiry could be instituted because Mr. B. Burnett not only did not support his assertions against the Judges by any proof, but even did not state facts which could have led to a regular inquiry. And as to the recorded proceedings, these do not contain a shadow of

proof to establish his (Burnett's) scandalous imputations, and could besides only be made a subject of judicial investigation through the regular channel of appeal. To all which it is of great importance to add that the administration of justice would suffer most materially if the *ipse dixit* of every individual could be made a ground of suspicion and inquiry against Judges whose integrity had never before been called in question. This would moreover have been contrary to the principle of Colonial Law, nay of jurisprudence in general, according to which no inquiry of a criminal nature can be instituted unless the existence of a crime be unquestionably established.

The two first numbers of the annexed documents furnished by His Majesty's Fiscal tend to prove the relative situation of this Crown Officer and the Court of Justice when His Excellency the Governor has directed some official prosecution.

As to the illegal detention of papers whereby Mr. B. Burnett states that the prosecution instituted against him by His Majesty's Fiscal for Libel was vexatiously protracted, the annexed report of the Secretary to the Court of Justice (No. 44) will prove that no intentional protraction can be attributed to any individual concerned in the prosecution of Mr. B. Burnett, and that if through unavoidable circumstances not every possible dispatch might have taken place, Mr. Burnett has himself caused more delay in the proceedings than any one else. From my personal knowledge I can safely assert that I have constantly perceived much anxiety with the Judges and their Ministers to see the proceedings concluded.

And with regard to the search of which Mr. B. Burnett is complaining, the documents relating thereto transmitted by His Majesty's Fiscal to the Colonial Office with his letter dated 3rd November 1825 (No. 43), combined with his previous report dated 14th October 1825, so fully establish the regularity of the proceedings of His Majesty's Fiscal, and prove at the same time that no step initiated with the Governor, who has no power to refuse his authority without having good and just cause for so doing. I have &c.

(Signed) J. A. TRUTER.

His Excellency Lord Charles Henry Somerset. 

(Some of the other numerous annexures to this despatch are

of great length, including as they do reports of examinations and trials before the circuit court and high court of justice; and as the substance of them all is given elsewhere I have not considered it necessary to copy them for insertion here. They would more than fill a volume.—G. M. T.)

[Original.]

Letter from the RIGHT REVEREND DR. POYNTER *to*
R. W. HAY, ESQRE.

4 CASTLE STREET, HOLBORN, *January 25th 1826.*

SIR,—I do myself the honor to inform you that the Revd. John Wagenaar, a Roman Catholic Clergyman, is lately gone to the Cape of Good Hope to officiate in that quality to the Roman Catholics in that Colony. The testimonials I received in favor of this Gentleman are such as enable me to give him my recommendation. I beg leave to request that he may be allowed to receive the salary which Lord Bathurst has been so kind as to assign for the Roman Catholic Clergymen at the Cape. I have &c.

(Signed) †WILLIAM POYNTER, V.A.L.

[Original.]

Return of Troops serving at the Cape of Good Hope on the
25th of January 1826.

Officers of all ranks at the Regimental Head Quarters or on	
Detached Duty at the Station	117
Sergeants, Trumpeters, Drummers, and Rank and File :	
Royal Artillery	68
Royal Engineers	21
49th Regiment	558
55th Regiment	562
98th Regiment	549
Cape Corps—Cavalry	264
Infantry	292
	<hr/>
	2431

(Signed) C. H. SOMERSET, General.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 26 January 1826.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 156, of the 26th of March last, on the subject of Mr. B. Burnett's claims, and I lost no time in submitting to Council, according to Your Lordship's instructions, that part of his Memorial which related to a claim for Forage cut for the use of the Cape Corps.

I transmitted at the same time to Lieutenant Colonel Somerset extract of Your Lordship's Dispatch which alluded to the assertion of Mr. B. Burnett of voluntary neglect on the part of that officer.

And I have now the honor of enclosing the proceedings which have taken place in Council and the Resolutions of Council, thereon, with several Documents annexed, among the rest Lieutenant Colonel Somerset's reply to the Statement of Mr. Bishop Burnett.

The necessity of appointing a Board of Enquiry at Graham's Town and of demanding various explanations from the District of Albany has occasioned the delay in replying to Your Lordship's Despatch. I have &c.

(Signed) CHARLES HENRY SOMERSET.

(See Vol. XXIV, page 339 *et seq.* for the enclosures.)

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT COLONEL BIRD.

DOWNING STREET, 26th January 1826.

SIR,—I have received your letter of the 16th Instant in which you stated your desire to accept the pension of £600 per annum with the remainder of £300 for your wife in the event of her surviving you, and having submitted it to Lord Bathurst's consideration, according to your desire, I am directed by his

Lordship to acquaint you that the Governor of the Cape of Good Hope having communicated to Lord Bathurst that you had taken no notice of the three letters which were addressed to you by His Excellency's command on the subject of your Pension, Lord C. Somerset was directed by Lord Bathurst in a Dispatch dated 3rd October 1825 to suspend the payment of your Pension until you should have returned an answer to that letter and have accounted for this neglect, and Lord Bathurst is of opinion that the causes which you have assigned for this omission do not by any means prove that you "had it not in your power to make any communication to the Colonial authorities on the subject." But he is willing to persuade himself that whatever may be the extent of the animosity and resentment which you entertain personally towards Lord Charles Somerset, you must by this time be sensible that your conduct in not giving an answer to the Letters addressed to you by the command of the Governor of the Cape was entirely inconsistent with the respect due to the King's Representative. Under this belief Lord Bathurst is disposed to give Instructions to the Governor of the Cape for the payment of a pension to you of six hundred pounds a year with one of three hundred to Mrs. Bird in the event of Mrs. Bird surviving you, as soon as the Governor shall have received a suitable apology from you. I am however directed to state that Lord Bathurst would not have considered himself authorised in charging the funds of the Cape with such a payment had he been aware of the embarrassment of the Cape Revenue when he originally gave the Instructions in your favour in August 1824. I am &c.

(Signed) R. W. HAY.

[Copy.]

Government Minute.

His Excellency the Governor having been authorised by His Majesty's Government to call upon the British Settlers in this Colony to pay their Quota of the Established Taxes, raised annually at the Opgaaf, from the commencement of the present

Year, He has accordingly issued the necessary Instructions to that effect.

In imposing this obligation upon them, His Excellency has great satisfaction in announcing to the British Settlers, that His Majesty's Government has at the same time been graciously pleased, in consequence of His recommendation in their favor, and in consideration of their inability to discharge the full Value of the Rations which were issued to them by the Commissariat Department, to order and direct, that the Payment of the Balances still due to Government on that account, shall not be enforced.

Cape of Good Hope, 26th January 1826.

By Command of His Excellency,

(Signed) R. PLASKET, Secretary to Government.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD FITZROY SOMERSET.

DOWNING STREET, 27th January 1826.

MY LORD,—I am directed by Earl Bathurst to transmit to you enclosed a copy of a dispatch which has been received from the Governor of the Cape of Good Hope soliciting that Lieutenant Hope of the Royal Engineers may receive leave of absence for twelve months, in order to enable him to complete the important duty of fixing the boundaries of the lands which have been granted to the British Settlers in that Colony ; and I am to desire that you will lay the Governor's dispatch before His Grace the Master General of the Ordnance for the favorable consideration of His Grace. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 27th January 1826.

SIR,—I have to acknowledge the receipt of your letter of the 10th instant, and am directed by Earl Bathurst to acquaint you in reply for the information of the Lords Commissioners of His Majesty's Treasury that upon reference to the papers connected with the emigration of the Settlers who proceeded to the Cape of Good Hope in the year 1820, it appears that John McLaren and John McLean belonged to the party which accompanied Mr. Russell from the Clyde; that the deposits paid by those Individuals to Mr. Russell correspond in their amount with the sums mentioned by the Commissioners of Audit; and that the deposit money of the whole party was paid over to Mr. Hill, of the Treasury, by a draft enclosed to him in Mr. Goulburn's letter of the 20th of July 1820.

With respect to the individual named James Clark, I am desired to observe that his name does not appear in the original List of Mr. Russell's party; although it would appear from Mr. Goulburn's letter to you of the 2nd of February 1821 that deposit money to the amount of Ten Pounds had been paid on behalf of Clark also. I am &c.

(Signed) R. W. HAY.

Letter from R. W. HAY, ESQRE., to H. W. WILTON, ESQRE.

DOWNING STREET, 27th January 1826.

SIR,—I have to acknowledge the receipt of your communication of the 23rd instant and beg leave to request that previously that you would transmit to me a copy of the proposals in their amended form which the Gentlemen interested in the proposed South African Company are desirous of renewing to Lord Bathurst, after which I shall appoint a time when I may have the honor of receiving you and the other Gentlemen interested in the Company. I have &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 27th January 1826.

MY LORD,—We have the honor to acknowledge the receipt of your Lordship's letter dated 14th Instant and of the several documents that accompanied it, and that are referred to in the explanation given by Mr. Rivers in consequence of his suspension from public employment, and we do ourselves the honor of acquainting your Lordship that we lost no time in forwarding Mr. Rivers's statement to His Majesty's Secretary of State, together with such further explanation as Mr. Rivers has afforded us in justification of his conduct as Landdrost of Albany. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Printed Slip.]

The Manufacture of Cape Wine.

Yesterday a numerous meeting of persons interested in the Wine Trade of this Colony, took place in the Commercial Hall, pursuant to the Advertisement inserted in our last *Gazette*, at which His Excellency Lord Charles Somerset presided. His Majesty's Commissioners of Inquiry, the Hon. Sir Richard Plasket, the Landdrosts of the Cape and Stellenbosch Districts, the Agent for the Affairs of the Hon. East India Company, attended on the occasion.

His Excellency the Governor, having taken the Chair, rose and stated, that in having the honor to take the Chair on the present occasion, he felt it incumbent upon him to say a very few words relative to the cause and object of the meeting. With regard to the cause, he considered that it would be a very culpable abuse of their time, if he presumed to occupy any portion of it in urging the necessity of every exertion being

made to improve the quality and flavour of the Colonial Wines : he feared the state of the wine market but too plainly evinced that necessity.

We could boast, His Lordship said, he believed, without fear of contradiction, that our fruit was as good, if not the *best* in the world ; and yet our wine, it was said, had been characterised by a gentleman high in office in England, as the *worst* in the world. Without stopping to enquire whether this latter assertion were strictly applicable or not, it was sufficient to know that our wines were not marketable in England since the reduction of the duties on European Wines, to render it imperative upon us to endeavour to render them marketable by improving them. The first object, His Lordship considered, was to discover where the error laid, whether in the choice of aspect or soil,—in the culture of the vine,—in the species of press used,—or in other causes connected with the manufacture of the wine ; with any subsequent treatment of it previous to exportation,—or in the age at which it was exported. As these were points which could not be ascertained without deep research, much labour and consideration, and probably numerous experiments, it was evident that they could not be usefully discussed at a public meeting. The object, therefore, that His Lordship had in view in proposing this meeting, was to suggest that the gentlemen the most deeply interested in the wine trade of the Colony should nominate gentlemen from every party interested, to form a Select Committee, to whom this important investigation should be entrusted. He would, therefore, take the liberty of offering a resolution to that effect, for the approbation of the meeting :—

Resolved—“That a Committee be appointed, consisting of Gentlemen from all classes interested in the Wine Trade of the Colony, who shall be requested to inquire into every circumstance relative to the culture of the Vine—the manufacture of the Wine, together with its treatment up to the moment of exportation, and the age at which it is exported ; with the view of ascertaining the cause of its not being of a better quality and flavour ; and that the Select Committee be further requested to invite Information from all Persons competent to afford it, to add to its numbers, and to appoint Sub-Committees (if considered expedient), and to suggest such measures to be adopted

as may conduce to a general improvement in the wines of the Colony.”

Which having been carried unanimously, His Lordship said, that considering that this resolution had met the concurrence of the meeting, he begged to submit another resolution to the notice of the meeting, nominating a gentleman as Chairman to the Committee, who being totally unconnected with the interests of any party concerned, he trusted would be considered peculiarly well qualified for that trust: the gentleman he alluded to was Mr. Hawkins, Agent to the Hon. East India Company in this Colony, the respectability of whose character had justly claimed for him the esteem of every gentleman who had the honor of his acquaintance. His Lordship begged to add also, that he considered the Colony under considerable obligations to Mr. Hawkins, for his exertions in endeavouring to procure a market for our Wines in India. Having read the 2nd Resolution,—“That Wm. Hawkins, Esq. be appointed Chairman of the Select Committee, for the purpose of improving the quality of the Wines of this Colony,” which appeared to give general satisfaction, His Lordship said he should venture to intrude further upon the meeting, in proposing as an Honorary Member of the Select Committee, a gentleman whose acknowledged celebrity in the science of chemistry could not fail to render his services eminently useful, in promoting the objects of the Committee: he proposed, “That Mr. Polemann be elected an Honorary Member of the Select Committee, for improving the quality of the Wines of this Colony;” which being carried, His Lordship begged to assure the meeting that he was ready and should be happy to afford every aid to the Committee in his power to give, or to submit any thing to His Majesty’s Government at home, beyond the limits of his authority, which the Committee might consider as necessary to the success of their endeavours. His Lordship took this opportunity of stating that he had received several papers from gentlemen engaged in the cultivation of the Vine in the Stellenbosch District, in consequence of a reference made to them by him. These documents did infinite credit to the writers of them; and as he thought they might prove useful to the Committee, he should direct copies of them to be sent to it.

His Lordship then said, that not wishing to influence the

meeting in their selection of gentlemen to form the Committee, he begged permission to resign the Chair to Mr. Hawkins, and assured the meeting of his anxiety and sincere wishes that much benefit might eventually arise to the interests of the Colony from the labours of the Committee they were about to nominate. He begged leave to withdraw.

His Excellency having then retired, and W. Hawkins, Esq. having accordingly taken the Chair, the following Resolutions were agreed to :—

Moved by the Hon. J. W. Stoll, and seconded by D. Dixon, Esq.—That the following Gentlemen be nominated as Members of the Committee for the Cape District :

Thomas Dreyer, Seb. van Reenen, P. M. Eksteen, M. van Helsdingen, Lieut. Mulder, Jacob Cloete, Wm. Duckitt, Frans Becker, and Frederik Liesching.

Moved by D. J. van Ryneveld, Esq. and seconded by D. Dixon, Esq.—That the following Gentlemen be nominated as Members of the Committee for the Stellenbosch District :

F. Roos, Js., J. P. Roux, Js., Dirk Cloete, J. A. Myburgh, Sen., J. R. Louw, C. J. Briers, Hendrik Vos, Andries Beyers, W. D. Hoffman, P. Marais, F. Rossouw, Bs., P. van der Byl, Paul de Villiers, W. Louw, Abr. de Villiers, (Klapmuts), P. H. de Villiers, Ds., D. Hugo, Ps., P. H. Morkel, and C. P. Theron.

Moved by S. Twycross, Esq. and seconded by the Chairman, —That the following Gentlemen be nominated as Members of the Committee for Cape Town :

D. Dixon, J. B. Ebden, F. Collison, G. Vos, J. Beck, P. Woutersen, Dr. Atherstone, and S. Twycross.

It was further resolved,—“That a General Meeting of the Committee be held to-morrow, (this day), at 10 o'clock, at the Commercial Hall.”

Moved by D. Dixon, Esq. and seconded by J. Ingram, Esq.—“That Subscriptions be entered into to defray the expenses of such steps as the Committee may from time to time think necessary to adopt, and that they shall have power to elect their own Treasurer and Secretary.”

Moved by D. Dixon, Esq. and seconded by J. Ingram, Esq.—“That the General Committee hold their sittings in Cape Town, but that they shall have power to form Sub-Committees in the different Wine Districts, in order the better to promulgate the

best systems of Wine-making ; and that the Sub-Committees shall communicate from time to time all such improvements or alterations as have been found to be advantageous.”

Moved by T. T. Harrington, Esq. and seconded by D. Dixon, Esq.—“ That the Meeting hail with feelings of gratitude the kind interest so peculiarly taken by His Excellency the Governor in support of a Trade of so much vital importance, not only to the present welfare of this Colony, but also to its future prosperity. That the Meeting, therefore, avail themselves of this opportunity of returning their sincere thanks to His Excellency for the promptitude with which he met the wishes of those concerned, and for his very dignified and able conduct in the Chair.

Moved by D. Dixon, Esq. and seconded by J. B. Ebdon, Esq.—“ That His Excellency the Governor having been pleased to say, that every assistance within his power shall be given to any proposition for an amelioration of the existing duties, that he will be pleased to direct copies of all information the Government possess on the subject to be given to the Committee.”

Moved by D. Dixon, Esq. and seconded by J. Ingram, Esq.—“ That His Majesty’s Commissioners of Inquiry be requested to second the efforts of the Committee, by recommending the interests of the Colony on this important subject to His Majesty’s Government.”

Upon which Commissioner Bigge, addressing the Chairman in the name of his Colleagues and himself, assured the Meeting of their ready concurrence in the object of the resolution as well as of their anxiety to promote the general views of the proposed association. The Commissioner observed, that he had listened with much satisfaction to the observations that had been addressed to the Meeting by His Excellency the Governor, and to the propositions with which they had been accompanied ; for, although he was aware that doubts were entertained of the benefits to be derived from the direct interference of Government in associations formed for the purpose of advancing the interests of any particular branch of commerce, yet it would be acknowledged, that there was an obvious difference between the control and the influence of Government, and that the latter might be most beneficially exerted in the encouragement of those exertions to which a large portion of the community

was now impelled by their sense of a common necessity. The Commissioner here adverted to the judicious selection that had been made by His Excellency, and that had met with the approbation of the Meeting, and particularly dwelt upon the advantages it might anticipate from the honorary association of a gentleman, who had already by his scientific researches and experiments in the preparation of Cape Wine, afforded a well grounded expectation of further improvements. (We understood the Commissioner to allude to Mr. Polemann.) The Commissioner concluded with expressing the anxious desire of his Colleagues and himself, to afford every assistance to the Members of the Committee, promising and anticipating from them a reciprocal communication of any information that might tend to forward improvement in the great staple produce of the Colony.

Moved by F. Collison, Esq. and seconded by D. Dixon, Esq.—“That His Majesty’s Commissioners of Inquiry be requested to become Honorary Members of the Committee.”

Moved by T. T. Harrington, Esq. and seconded by J. B. Ebdon, Esq.—“That the Thanks of this Meeting be given to His Majesty’s Commissioners of Inquiry, for their very frank and open declaration of their readiness to assist the object and intention of this Meeting.”

Moved by T. T. Harrington, Esq. and seconded by D. Dixon, Esq.—“That the Thanks of the Meeting be given to W. Hawkins, Esq. for his impartial conduct in the Chair, and for the promise he has been pleased to give of devoting so much of his time to the object of the Meeting.”

The Meeting was then dissolved.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28th January 1826.

MY LORD,—I have had the honor to receive your Lordship’s Letter No. 184 of the 29th August last, and I lost no time, according to your Lordship’s Instructions, in suspending Mr. Rivers from his appointment as Landdrost of Swellendam, and

in calling upon him to afford the explanation required by your Lordship.

I have already transmitted to your Lordship in my letter of the 23rd ultimo No. 250, the Explanations of that Gentleman in regard to the charges preferred against him by Dr. Philip in his Pamphlets, and I now have the honor to forward Mr. Rivers' explanations on the subject of the Charges brought against him by the Commissioners of Inquiry for neglect of duty whilst acting as Landdrost of the District of Albany, together with Copies of a Correspondence which has passed between the Commissioners of Inquiry and myself on the occasion.

Mr. Rivers remains suspended from employment, and I have therefore to solicit your Lordship's further Commands for my guidance in his regard. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to ABRAHAM
BORRADAILE, ESQRE.*

DOWNING STREET, 28 *January* 1826.

Mr. Hay presents his compliments to Mr. Borradaile and is directed by Earl Bathurst to acquaint Mr. Borradaile that his Lordship will be ready to receive him and the other Gentlemen mentioned in his letter of this day on Tuesday next at 2 o'clock.

[Original.]

Letter from LIEUTENANT-COLONEL BIRD to R. W. HAY, ESQRE.

17 CHARLES STREET,
MANCHESTER SQUARE, 28th *January* 1826.

SIR,—I was yesterday honoured by the receipt of your letter of the preceding day. It is with infinite pain, I beg to assure you, that I find that a matter to which I had not attached the smallest importance should have been represented to Earl

Bathurst in a light which has induced his Lordship to consider that "my not having answered certain letters addressed to me from the Colonial Office at the Cape of Good Hope is inconsistent with the respect due to the King's representative." I beg to assure Earl Bathurst that had I had the most remote idea that such a construction (a construction so foreign to my maxims and to my conduct thro' life) could have been put upon it, I should most readily have made the Solution offered me at the moment, however injudicious that solution might have been to me. At the time of my receipt of these letters I was in daily expectation of replies to the references I had made to England on the subject. I had acquainted Lord Caledon, whom I had requested to see Lord Bathurst on one of the points, that I should not give any reply to the communication made to me till I had his Lordship's answer ; this it was which induced me to postpone my reply to letters of the Colonial Office. I should have answered them the moment I had received my Lord Caledon's letter, which I did not get till I had embarked.

Upon consideration of the view which Earl Bathurst has taken of this matter, I can have no hesitation in declaring my readiness to make such apology to his Majesty's representative as the case may appear to his Lordship to require, after his Lordship shall have considered what I have stated and what I shall now relate.

Previous to my leaving the Cape I had had many references made to me from the Colonial Office there, not one of which I delayed replying to on the very instant of my receipt of it ; the case in question having been a matter personal to myself, in which no one had the smallest interest but myself, I own I thought I might be entitled to judge in how far and at what time my interest required me to attend to it. I will not deny that in what personally concerned me, I was anxious to have as little communication as possible with the chief authority at the Cape, to avoid as much as in me lay exposing myself to those insults which had been intended to wound one who had not the power of self-defence. When Lord Bathurst's notification of His Majesty's order for my removal from the Secretaryship was made to me thro' Mr. Brink, it was accompanied by a verbal intimation that it was Lord Bathurst's desire that I

should leave the Colony without delay ; convinced as I was and am that my Lord Bathurst could not have ordered such a communication to be made to me, I received it without reply, but I set it down as one of those ebullitions of animosity of which I had had so much and such fatal experience. A similar insult was offered me when I applied for an allowance of 6 months pay, which Lord Bathurst had kindly condescended to order to be paid to me ; the answer given was that his Lordship had ordered it for the removal of myself and family from the Cape, and that as I had not intimated any intention of so doing, the amount could not be paid me. It was natural under such circumstances that I should sedulously avoid placing myself in any position in which it might be in the power of Lord C. Somerset to repeat these outrages. I am certain that were my Lord Bathurst correctly informed of all the circumstances which have occurred at the Cape of Good Hope, as they concern me personally, so far from considering me to have been actuated by motives of "animosity and resentment" against Lord C. Somerset, his Lordship would be the first to express his astonishment at my forbearance ; in truth, I have forborne far beyond the usual meaning of the term forbearance ! Had the Table of my Lord Bathurst's Office been filled with acrimonious complaints from me against Lord C. Somerset ; could it be said, with a shadow of truth, that I had instigated any person whomsoever to attack Lord C. Somerset in his private or public capacity ; or could it be imputed to me that I was the Author of any of the Libels or paragraphs published in the daily journals injurious to Lord C. Somerset, some plausibility might attach to the charge of my being actuated towards his Lordship by motives of "animosity and resentment," but so far is this from being the case, that Lord Bathurst knows that there neither is, nor has been, one line from me at his office accusatory or even complaining of Lord C. Somerset. It is equally devoid of truth that any person has been instigated by me to attack his Lordship, although I know that this has been attributed to me ; I therefore avail myself of this opportunity, perhaps the only one which may be afforded me, most solemnly to deny it, and to pledge myself by everything most sacred to man that the imputation is grossly false ! that in no one instance have I

directly or indirectly given any one information, or communicated with those persons who have been hostile to Lord C. Somerset at the Cape of Good Hope ; and as to the Paragraphs in the Newspapers I also solemnly declare that I never either wrote one or furnished matter for forming one in the course of my life. I moreover beg to assure my Lord Bathurst that since my arrival in this Country I have pertinaciously avoided meeting those persons who are supposed to be preparing to attack the Governor of the Cape, having quite employment enough in winding up my private affairs, too long neglected.

It is my anxious wish that this brief explanation may be satisfactory to my Lord Bathurst, so as to induce his Lordship to view my motives and conduct less hostilely than your letter of yesterday implies that he does. It would not be human not to feel, and deeply to feel, the injuries which have been done me, knowing as I do, how zealously and how faithfully I carried on every duty which has devolved upon me during a Public life of 31 years, to close that career in so mortifying a manner is a source of deep regret to me, in which nothing but the consciousness of having acted throughout honourably and justly can have supported me. I shall drop the painful subject to revert to your letter. I beg you will do me the favour to represent to my Lord Bathurst that should I return at an early period to the Cape, it is not likely, I am given to understand, that I shall find the Governor there, as it is publicly said that he is to visit England in the course of this Spring, but my return to the Cape is not determined on. I left instructions for the sale of my property, if it could be effected at a loss not exceeding £7,000 Sterling. Should a sale take place my family will follow me, and I shall not return to South Africa ; consequently his Lordship's directions cannot be altogether complied with, either in the event of my return, when the Governor will not be there, or in the case of my remaining in Europe. I shall therefore await his Lordship's further commands, and may perhaps venture to hope that they will be in the spirit of my first prayer. I am &c.

(Signed) C. BIRD.

[Original.]

Letter from ABRAHAM BORRADAILE, ESQRE., *to* EARL BATHURST.

COMMITTEE ROOM, 25 ROOD LANE, 28 January 1826.

MY LORD,—Having received from the Cape of Good Hope a representation from the Inhabitants of that Colony respecting the late regulation of the Colonial Currency, with a request that it might be presented personally to your Lordship, in the confidence that your usual kind protection would be extended to the prayer of the Memorialists, I beg respectfully to request the favour of an Interview with your Lordship on the subject, accompanied by Colonel Bird and Mr. McDonald, recently arrived from the Cape, members of the Committee.

I will feel obliged by your Lordship signifying when it will be convenient for Your Lordship to receive us. I have &c.

(Signed) ABRAHAM BORRADAILE,
Chairman of the Committee of the Cape of Good Hope
Trade Society.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 29 January 1826.

MY LORD,—About a month since two periodical Journals were published in this Colony without the Parties having obtained the Licence of Government to that effect.

One of them called the “New Organ” by Mr. Fairbairn, who is concerned with Mr. Greig in his Newspaper, the other termed “De Verzamelaar” by a Mr. Suasso de Lima.

On calling these two gentlemen before Council, Mr. Suasso de Lima agreed at once to apply for the necessary licence under the usual restrictions, but Mr. Fairbairn refused so to do, and has addressed a letter to your Lordship which is annexed to the Proceedings of Council which I herewith enclose for your Lordship’s information.

From these Documents you will perceive that Mr. Fairbairn sent a Prospectus of the nature of the proposed work for insertion

in the *Government Gazette* as an advertisement, about three months since.

On this occasion Sir R. Plasket sent for Mr. Fairbairn and explained to him that there would be no objection to the Prospectus being inserted in the *Government Gazette* as "an advertisement," but that Mr. Fairbairn must be aware that he could not publish the work itself without having a licence from Government, to which Mr. Fairbairn replied that he was not aware of that necessity, but that there would be plenty of time for making the application, as it was not his intention to publish the work for two or three months.

Under this impression the Prospectus was allowed to be inserted in the *Government Gazette*, but Mr. Fairbairn declined to apply for a Licence, and the only communication Government received subsequently was on the day that the work was published and after it had been circulated, when Mr. Greig, as Agent for Mr. Fairbairn, applied as per accompanying letter for permission to forward the work free of postage to the Country Districts.

To that communication I replied (as per Enclosure), and submitted the case of both the Journals to the consideration of Council. Your Lordship will perceive that Mr. Fairbairn's object is the establishment of a free Press, uncontrolled by any Restrictions.

While upon this subject I beg leave to transmit to your Lordship Copy of a Minute in Council relative to the line of conduct adopted by Mr. Greig in his late numbers, together with the Newspapers themselves. And it would be very satisfactory and tend very much to the quiet and good Government of this Colony if some line were drawn relative to the limits of the Press here.

Mr. Greig's Prospectus taken literally is undoubtedly very circumscribed, and it is evident he takes advantage of that to use a latitude which (although after what has passed I feel no inclination to interfere with as far as I am concerned) I am confident cannot tend to the advantage of the Public Interests in this Colony. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. I annex copies of two Proclamations alluded to in the Proceedings of Council relative to the Press in this Colony.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 29 January 1826.

SIR,—I have received and have laid before Earl Bathurst your letter of the 17th instant, in which you request to be made acquainted with his Lordship's directions in regard to the arrangement to be observed in future for the issue of pay to the Officers of the Cape Corps who have hitherto received their Allowances from the Chief Paymaster of the Depot in the Isle of Wight.

Upon receiving this application from you, his Lordship considered it proper to ascertain the precise number of Officers who have embarked during the last five years for the purpose of joining the Cape Corps; and having been informed that the number of these Officers has not exceeded twenty six, his Lordship is of opinion that the duty of issuing the allowances of officers so embarking may conveniently be discharged by you, and that it is not of such a nature as to warrant the continuation of the special remuneration which has hitherto been allowed for this service to the Chief Paymaster of the Depot in the Isle of Wight. I have &c.

(Signed) R. W. HAY.

[Copy.]*Proposal for the formation of a Joint Stock Banking Company at the Cape of Good Hope.*

The formation of a BANK in this Colony, having for a long time occupied the attention of many of the Inhabitants, frequently became the subject of conversation, but the execution of the project has from time to time been deferred.

The present, however, appearing a favourable time for the completion of the plan, the expediency of establishing a JOINT STOCK BANK, for accommodating the Inhabitants of the Colony, through the medium of their own resources, is now brought forward for public consideration, as a measure not only con-

sonant with the present feeling and sentiment, but fraught with the desirable consequences of more closely uniting all classes of the community in a joint and mutual interest ; whilst an association so constituted would form the ground of perfect confidence, secure to the Colonists the most solid benefits, and in the result tend to the promotion of the welfare and prosperity of the Colony.

Under these views, many Inhabitants, in their solicitude to advance the prospects of their fellow Colonists, have, amongst themselves, held several Meetings for the purpose of discussion, and to prepare for submission to the Public the result of their deliberations, in a concise statement of their views upon the subject.

Considering a general Meeting to be the best mode of so doing, they have taken upon themselves to submit their plans to the consideration of His Excellency the Governor, soliciting permission to call a Public Meeting : this permission having been granted, they now lay before the Public their correspondence with Government, and a Proposal for the establishment of a Joint Stock Company Bank, and invite the attendance of all Persons who may think themselves interested, at the General Meeting this day advertised, when the Minutes of all their proceedings will be laid open for public inspection. In so doing, they consider it due to themselves to observe that the Meetings already held were intended merely as preparatory, and have occurred so suddenly, and at so short a notice, as to have precluded the practicability of a more general assemblage taking place. They trust, however, that the Colonists will behold in their proceedings the purity of their motives, and a sincere desire to preserve and advance the public interests ; and therefore, with due deference to every member of the community at large, they beg leave to submit their Proposal, and will feel highly gratified should their exertions be favored with the public approbation.

PROPOSAL.

For a General Association of Persons resident at the Cape of Good Hope, for the purpose of establishing a JOINT STOCK COMPANY BANK, for affording general accommodation in Advances and Discounts, upon unexceptionable Security, and

for the reception of Deposits on Running Accounts, to be entitled

“THE BANK OF SOUTH AFRICA,”

And to be conducted on the Terms of the following Prospectus.

Capital £50,000 Sterling,

To be raised by Subscription, in 2,000 Shares, of Twenty-five Pounds Sterling each Share.

A Certificate, signed by Three of the Directors, to be granted and delivered for each Share to the Subscriber, such Certificate to be transferable by special indorsement, after the transfer shall have been duly registered at the Bank.

No Person or Persons, jointly or separately, to hold or be entitled or permitted to hold, at one time, more than Twenty Shares of the Stock, until the period of three months has been allowed for General Subscription.

The Affairs of the Bank to be managed by Nine Directors, to be elected by and from amongst the Proprietors,—Three to go out of office by annual rotation, and Three others to be chosen in their room, to commence their office on the day of , if not a Sunday, if so, on the following day.

The Directors so chosen, previous to entering upon their duties, to be Sworn before the Chief Civil Magistrate, to a faithful discharge of the trust to be reposed in them.

The annual election of Three New Directors to take place on the day of , each and every year if not a Sunday, if so, on the following day.

The Directors going out of office, according to rotation, may be re-elected at the election next after that at which they went out of office.

In case of death or resignation, in consequence of quitting the Colony, or otherwise, of any Director, a Meeting, whereof public notice, in the *Government Gazette*, shall be given within fourteen days after such death or resignation, shall be holden for the purpose of electing a Director, in the room of the deceased or retiring Member.

No Person shall be eligible as a Director who shall not possess, in his own right, at least Ten unincumbered Shares of the Capital Stock.

That the Proprietors, at a General Meeting, to be specially

convened after fourteen days' notice in the *Government Gazette*, shall have the power to remove any Director for misconduct or other adequate cause.

That no Person shall be entitled to vote at any Meetings of Proprietors who shall not be possessed of one Share of the Capital, registered in his Name in the Bank Books ; and no Person after the day of shall be entitled to vote, who shall not have been possessed of one such Share, registered in his name, for six months previous to the Annual General Meeting.

That Persons possessing the number of Three Shares shall be entitled to Two Votes, Five Shares to Three Votes, Ten Shares to Four Votes, Fifteen Shares to Five Votes and Twenty Shares to Seven Votes, and no more.

That any individual Proprietor may give a Proxy to another Proprietor,—every Proxy to be signed by the Grantor, and deposited with the Muniments of the Bank.

That previous to every Meeting, Lists of the Proprietors shall be made out from the Bank Books, and exhibited at the Meeting.

That a President shall be annually elected by and from amongst the nine Directors, who have permission to re-elect the President of the former year ; and in case of death or resignation, the vacancy to be immediately supplied, the President to have the privilege of appointing a Vice-President from amongst the number of Directors. Three Directors at least to be necessary to constitute a Board for transacting business ; but all to have the option of attending. In case of an equal division, the President or Vice-President to have the casting vote.

The Directors to establish a rotation amongst themselves for attendance at the Bank.

The Directors to appoint, and upon occasion to remove or dismiss, such officer or officers as they may think fit, with appropriate salaries, so that the annual expence of the Establishment do not exceed £ Sterling, unless with the sanction of the Proprietors, obtained at a General Meeting.

That all contents and other writings, and all letters and orders of the Directors, be signed by three of them at the least.

That the Officers of the Bank shall be sworn, and required

to give security for the trust to be reposed in them ; and further, to covenant that they will not engage in any kind of business, but confine themselves exclusively to their duty as officers of the Bank.

That the Bank shall not engage in any kind of trade, or be concerned in any kind of agency for the buying and selling of merchandize, or fixed or moveable property ; but that the business of the Bank shall consist in, and be confined to

The Discounting, at the discretion of the Directors, of approved Promissory Notes and Acceptances, at a date not exceeding three months.

The Discounting Acceptances of the Vendue Department.

The Reception of Deposits on running Accounts.

The giving Credit on Cash Accounts, under unexceptionable Security, for a period not exceeding three months, on the Scotch Banking principle.

The issuing and circulating Notes to a given amount, payable in the Legal Currency of the Colony on Demand.

The Interest or Discount not to be charged at a higher rate than that of the Legal Interest of the Colony.

The Bank Paper Issues shall not exceed the sum of £100,000 Sterling, to be issued in Notes of not less amount than £1 Sterling, payable on demand, in the Legal Currency of the Colony.

As Security to Government and the Public for the Paper Issues of the Bank, there will exist at all times, the Capital Joint Stock of £50,000.

The Promissory Notes, Vendue Rolls, and other available Securities and Choses in Action, received in lieu of the Paper Issues, constituting a value which, under a direction subject to the half-yearly inspection of every Proprietor of even a single share, must be considered ample and undeniable security.

The Books of the Bank shall be balanced, and a statement thereof, attested by a majority of the Directors, with such other information as may be most important and connected with the Establishment, be laid before the Proprietors every six months, and thereupon a Dividend, founded upon the actual Net Profits of the Bank, having regard to a continuance of its operations, shall be declared by the Directors, payable within days after the declaration.

That any five of the Directors may at all times summon a Meeting of the Proprietors for any special purpose, giving not less than fourteen days' notice, through the medium of the *Government Gazette*, and all acts done at such Meetings shall be valid.

The Directors may make Laws and Regulations for the arrangement and conduct of the business of the Bank; and any twenty Proprietors of Shares may, on giving fourteen days' notice in the *Government Gazette*, after the promulgation of any such Laws and Regulations, call a General Meeting of the Proprietors, for the purpose of taking the same into consideration and passing resolutions thereon.

That on the establishment of the Bank, and the maturity of its plans, the addition of Branches for the accommodation of the Frontier and interior Districts be taken into consideration.

CAPE OF GOOD HOPE, 27th Jan. 1826.

MY LORD,—It being the general opinion that a Joint Stock Banking Company, established upon liberal principles, would be of great utility in this Colony, we did ourselves the honor of waiting upon your Excellency with a Prospectus, which we hope will merit your approbation and support.

We have now to request your Excellency will be pleased to sanction our calling a Meeting at the Commercial Exchange, for the purpose of laying before the Public a statement of our proceedings, and of adopting such measures as may be deemed most advisable for carrying our object into execution.

H. ROSS,
H. NOURSE,
J. NISBET.

To His Excellency

General the Right Hon. Lord C. H. Somerset, &c., &c., &c.

COLONIAL OFFICE, 30th January, 1826.

GENTLEMEN,—In reply to your Letter of the 26th instant, I am directed by His Excellency the Governor to convey to you His approval of your calling a Public Meeting at the Commercial Exchange, for the purpose of laying before the Public a Statement of your Proceedings, and of adopting such measures as

may be deemed most advisable for carrying into execution your object to establish a Joint Stock Banking Company in this Colony. I have &c.

RICHD. PLASKET,
Secretary to Government.

Messrs. Hamilton Ross,
Henry Nourse,
James Nisbet.

By virtue of the foregoing Permission of His Excellency the Governor,

A Public Meeting will be holden at 10 o'clock on Wednesday, the fifteenth day of February instant, at the Commercial Exchange, Cape Town, for the purpose of taking into consideration "THE ESTABLISHMENT OF A JOINT STOCK COMPANY BANK, AT THE CAPE OF GOOD HOPE."

J. C. FLECK,
P. WOUTERSEN,
H. G. MUNTINGH,
HAMILTON ROSS,
W. LIESCHING,
H. NOURSE,
J. J. L. SMUTS,
A. CHIAPPINI,
JAMES NISBET,
J. P. SIMPSON,
W. GADNEY,
W. ROBERTSON,
LOURENS HERMAN,
STEPHEN TWYXCROSS,
C. S. PILLANS,
DANIEL DIXON,
F. MABILLE,
JOHN HAWKINS,
RICE JONES,
J. R. THOMSON,
D. L. BUSK,
J. F. BECK,
JOHN VAN DEN BERG.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT-COLONEL BIRD.

DOWNING STREET, 31st January 1826.

SIR,—I received yesterday and laid before Earl Bathurst your letter of the 28th instant.

I am directed by his Lordship to observe to you that although the reasons which you have given for not being prepared to decide on the option proposed to you in regard to your Pension form a sufficient excuse for desiring to postpone any decision upon that point, you will I am sure on reflection see that these reasons by no means account for your deliberately refusing to give an answer of any kind whatever to the three letters addressed to you officially by His Excellency's Commands, and Lord Bathurst therefore continues to think that an apology is due by you to the Governor.

As your letter would be addressed to the Governor, your official habits must surely make you aware that it would be opened by whoever was administering the Cape Government at the time when it arrived, and that the absence of Lord Charles Somerset from the Cape would furnish no reason for neglecting to address a letter to the Governor, as the apology which Lord Bathurst requires is not personally to Lord Charles Somerset but to the Governor of the Cape. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT COLONEL BIRD.

DOWNING STREET, 31st January 1826.

SIR,—I have deferred for a separate letter the answer to that part of your letter of the 28th instant which related to the sum of £1750 advanced to you by the Governor of the Cape.

Lord Bathurst directs me to inform you that Lord Charles Somerset was instructed to advance to you six months' Salary for defraying the expences of your return to England, in con-

sequence of the application which you addressed to Lord C. Somerset to that effect. You were therefore quite correct in acknowledging in the body of the receipt that you received the money in question for that special purpose. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 1st February 1826.

MY LORD,—I have to acknowledge the receipt of your Excellency's dispatch under date of the 1st September last in which you request my sanction to the amount of expenditure which has been incurred in repairing the building within the Government Gardens adjoining the Public Offices in Cape Town.

I must express my regret at finding that your Excellency has not assigned a more satisfactory reason than what is stated in your dispatch for having neglected to apply for my authority to incur that expenditure previously to the work being undertaken; and I am under the necessity therefore of apprizing your Excellency that it will not be in my power to relieve you from the responsibility which attaches to this breach of the Instructions of the Lords Commissioners of His Majesty's Treasury, until I receive from you a more particular statement of the circumstances under which so large a sum has been expended. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 1st February 1826.

MY LORD,—Since I had the honor of addressing your Lordship on the 28th ultimo, relative to the suspension of Mr. Rivers, I have received, and I deem it to be my duty to forward it to

your Lordship, an address from the Inhabitants of the District of Swellendam.

This address was presented to me by two gentlemen deputed by the Subscribers for that purpose, and it is signed by all the principal inhabitants of the District, including the Heemraden, the Clergy and the Fieldcornets.

It is but justice to Mr. Rivers to add that since his appointment as Landdrost of Swellendam it has come to my knowledge from various quarters that he has given general satisfaction.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 1 February 1826.

SIR,—I am directed by Earl Bathurst to transmit to you herewith, in original, a letter which has been addressed to his Lordship by a Committee of the Principal Freeholders and Inhabitants of the Cape of Good Hope in support of the prayer of the Petition which they have addressed to His Majesty and which was enclosed in my letter of the 23rd March last, soliciting the repeal of the Ordinance which has been issued by the Governor of that Colony in conformity with the Order of His Majesty in Council for the purpose of constituting British Silver Money a legal tender in discharge of all debts at the rate of 1s. 6d. for every Rixdollar in Paper Currency of the Cape ; and I am to desire that you will lay this paper before the Lords Commissioners of His Majesty's Treasury, and move their Lordships, if they shall so see fit, to give directions for allowing Mr. Abraham Borradaile, Lieutenant-Colonel Bird and Mr. McDonald to attend at the Treasury Chambers for the purpose of submitting to their Lordships' consideration such explanations as these persons may be desirous of offering on the question which forms the subject of the said Petition ; and I am further directed to take this opportunity of requesting that you will

express to their Lordships the earnest and strong desire of Earl Bathurst that this question should receive their Lordships' immediate decision. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR. R. PLASKET.

DOWNING STREET, LONDON, 1st February 1826.

SIR,—I am directed by Earl Bathurst to transmit to you and to desire that you will lay before His Excellency the Governor a copy of a letter which his Lordship addressed to Mr. D'Escury, after having received the Report of the Commissioners of Enquiry on the subject of a representation which that Gentleman had preferred against His Excellency.

In laying that Paper before The Governor you will have the goodness to acquaint him that its earlier transmission has been only accidentally omitted.

I am further directed by Lord Bathurst to enclose a copy of the communication which has been received from Mr. D'Escury in reply to the letter which his Lordship addressed to him.

I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from LIEUTENANT COLONEL BIRD to R. W. HAY, ESQRE.

17 CHARLES STREET,

MANCHESTER SQUARE, 1st February 1826.

SIR,—I received last night the letter you addressed to me yesterday by Earl Bathurst's desire.

In compliance with the view his Lordship continues to take on the subject of my having delayed replying to the applications of the Colonial Government of the Cape of Good Hope, to make the option proposed to me on the part of his Lordship, I have

neither hesitated nor delayed writing the enclosed apology and explanation. I transmit it to you, Sir, open, not only that Lord Bathurst may see that I have lost no time in entering into his view of the case, but that the letter may accompany the earliest dispatches you may have to forward to the Cape.

I am &c.

(Signed) C. BIRD.

[Original.]

Letter from LIEUTENANT COLONEL BIRD *to* R. W. HAY, ESQRE.

1st February 1826.

SIR,—I am with great regret under the necessity of remarking on the separate letter you did me the honour to address to me yesterday on the subject of the sum of £1750 paid to me at the Cape of Good Hope. I had not intended in my last communication to allude to the terms in which I was called upon to grant receipts for that sum when it was paid to me, but to the circumstance of the payment itself being in the first instance refused because I had not intimated an intention of removing immediately from the Colony! I never made a second application, nor should have made one; but some weeks afterwards the amount was sent me, and I was required to sign receipts in the form to which you have referred, which I did not hesitate to do. I am &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 2nd February 1826.

MY LORD,—Colonel Bird having upon his arrival in this Country addressed a communication to my Under Secretary of State in which he signified his acceptance of the Pension of Six hundred Pounds per annum for himself during his own life with

the reservation of Three hundred Pounds per annum to his wife in case of her surviving him, I deemed it expedient to require from him an explanation of his conduct in having neglected to reply to the several communications which were addressed to him by your Excellency's directions on the same subject; and as the reasons which Colonel Bird assigned for that neglect did not appear to me satisfactory, I required from him an apology to your Excellency for a mode of proceeding so inconsistent with the respect which was due to you as The King's Representative. The letter which I have the honor to enclose has accordingly been forwarded to me by Colonel Bird for transmission to your Excellency, and as it appears to me to contain a suitable expression of his regret at the impropriety of his conduct, I have to instruct your Excellency to make arrangements for the issue to Colonel Bird, in conformity with his decision on the option which had been proposed to him, of a Pension of Six hundred Pounds per annum with one of Three hundred Pounds per annum to Mrs. Bird in the event of her surviving him. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT-COLONEL BIRD.

DOWNING STREET, 2nd February 1826.

SIR,—I have received and laid before Earl Bathurst your letter of the first instant together with the communication therein enclosed from yourself to the Governor of the Cape, which, as his Lordship considers it to contain a suitable apology to the Governor, will be forwarded to the Cape by the earliest opportunity. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from LORD FITZROY SOMERSET to R. W. HAY, ESQRE.

OFFICE OF ORDNANCE, 2nd February 1826.

SIR,—Having submitted to the Master General your letter of the 27th ultimo, stating the request of the Governor of the Cape of Good Hope that Lieutenant Hope of the Royal Engineers may receive leave of absence for twelve months, to enable him to complete the duty of fixing the boundaries of the lands which have been granted to the British Settlers in that Colony, I am directed to acquaint you for the information of Earl Bathurst that His Grace complies with the request of Lord Charles Somerset in Lieutenant Hope's favor; but the Duke cannot help observing that the Department does not possess a sufficient number of Engineer Officers for Civil as well as Military duties. I have &c.

(Signed) FITZROY SOMERSET.

[Printed Copy.]

*Minutes of proceedings of the Central Committee for the
Improvement of Cape Wine.*

At a Meeting of the Cape Wine Trade Committee held the 27th day of January 1826, William Hawkins, Esq., in the chair,

Present: J. B. Ebdon, Esq., Cape Town, P. Woutersen, Esq., Cape Town, F. Collison, Esq., Cape Town, G. J. Vos, Esq., Cape Town, J. de Villiers, Esq., Drakenstein, A. P. de Villiers, Esq., Drakenstein, P. de Villiers, Esq., Drakenstein, H. Esterhuyze, Esq., Stellenbosch, J. R. Louw, Esq., Paarl, P. M. Eksteen, Esq., Cape District, S. van Reenen, Esq., Cape District, F. Roos, Esq., Stellenbosch, F. Becker, Esq., Cape District, T. Dreyer, Esq., Cape District, D. Dixon, Esq., Cape Town, J. Beck, Esq., Cape Town, P. H. Polemann, Esq., Cape Town, J. Cloete, Esq., Cape District.

It was resolved that Mr. D. Dixon be appointed Secretary, with liberty to have a Clerk.—Agreed to.

That Mr. S. Twycross be appointed Treasurer.—Agreed to.

It was further resolved that Mr. J. Beck be appointed Joint Secretary.

The Resolution entered into yesterday at the General Meeting, that Subscription Lists be opened to defray the expences, it was resolved that a Subscription List be opened accordingly, to defray the *present* exigencies of the Committee.

It was proposed by Mr. F. Collison, that the Rev. F. Fallows be solicited to become an Honorary Member of the Committee.—Agreed to. The Secretary was directed to inform him of such resolution.

It was also proposed that D. J. van Ryneveld, Esq., and the Hon. J. W. Stoll, Esq., be solicited to become Honorary Members of this Committee.—Agreed to.

It was the request of several Gentlemen present, forming the Cape District Committee, that they be joined with the Cape Town Committee, and that Mr. W. F. Versfeld and Mr. R. A. Cloete be added to the General Committee.—Agreed to; and that they be informed of such addition.

It was proposed to add the following Gentlemen to the General Committee :—

Mr. J. du Toit, Eerste Rivier,	
Mr. J. Brink, Jr. As., Wagenmakers Valley,	
Mr. P. le Roux,	do.,
Mr. H. C. Bosman, Paarl,	
Mr. W. P. Haupt,	do.,
Mr. P. Myburgh, Hottentots' Holland,	
Mr. H. R. de Vos,	do.,
Mr. F. Rossouw, Blue Klip,	
Mr. C. Brink, Js.,	do.,
Mr. C. A. Haupt, Drakenstein.	

Agreed to; and are to be informed of it by the Secretary.

The Committee then proceeded to elect the Sub-Committee for the different Field-Cornetcies of the District of Stellenbosch.

FOR STELLENBOSCH.

Mr. F. Roos,	Mr. A. Beyers,
Mr. J. Roux,	Mr. D. Hoffman,
Mr. D. Cloete,	Mr. P. G. van der Byl,
Mr. C. Briers,	Mr. H. Esterhuyze,
Mr. H. Vos,	Mr. J. du Toit.

FOR HOTTENTOTS' HOLLAND AND MODDERGAT.

Mr. P. Morkel,	Mr. F. Russouw,
Mr. J. A. Myburgh,	Mr. P. Myburgh.
Mr. H. R. de Vos,	

FOR THE PAARL, WAGENMAKER'S VALLEY AND LITTLE
DRAKENSTEIN.

Mr. J. de Villiers, A. Bs.,	Mr. P. le Roux,
Mr. J. R. Louw,	Mr. H. L. Bosman,
Mr. S. Theron,	Mr. P. W. Haupt,
Mr. J. Brink,	Mr. J. du Toit.

FOR DRAKENSTEIN AND FRENCH HOEK.

Mr. P. Marais,	Mr. P. H. de Villiers,
Mr. E. Rossouw,	Mr. D. Hugo, French Hoek,
Mr. P. de Villiers,	Mr. C. A. Haupt,
Mr. W. Louw,	Mr. C. Brink.
Mr. A. P. de Villiers,	

It was further agreed, that each Sub-Committee shall have the power to elect its own President and Secretary ; that they be requested to communicate such elections to the General Committee ; that they keep an account of all their proceedings, and transmit copies of such proceedings to the General Committee.

That Messrs. Polemann, Becker, and Roos be requested to prepare some statement, as a temporary measure, by Monday, for the approaching Vintage, on Wine and Brandy Making. It is further requested, that every Gentleman of the Committee will furnish such information as may be in his power, on Wine Making, by Monday next.

The Chairman laid before the Committee sundry papers on the subject of Wine, which had been promised by His Excellency the Governor at the General Meeting.

Received from Mr. J. R. Louw two samples of Wine, with a written statement of its mode of making, which statement being in the Dutch Language, Mr. Beck was requested to translate it.

Received also a written statement, in the Dutch Language, from Mr. H. L. Bosman, on Wine, which was also given to Mr. Beck for translation.

Resolved that the Meeting be adjourned until Monday Morning, at 10 o'clock.

At a Meeting of the Cape Wine Committee, held the 30th January 1826,—William Hawkins, Esq., in the Chair ;

Present : Commissioner Bigge, Commissioner Colebrooke, Commissioner Blair, P. H. Polemann, Esq., F. Becker, Esq., G. J. Vos, Esq., W. F. Versfeld, Esq., F. Collison, Esq., Rev. F. Fallows, D. Dixon, Esq., J. B. Ebden, Esq.

The proceedings of the last Meeting having been read, were approved of.

It was agreed that Four Members, with the Chairman, shall form a Quorum.

That this Committee hold its sittings once a week, until further arrangements be made : that the day of the week be Thursday, at 11 a.m.

In the event of any occurrence taking place, in which the Chairman should deem it necessary to call a Meeting of the Committee, he is empowered to do so.

Any four Members wishing a Meeting of the Committee, by writing to the Chairman, stating their object in requesting one, he is to direct such Meeting to be called.

In pursuance of a resolution of the last Meeting, Messrs. Polemann and Becker laid before the Meeting a written statement on Wine and Brandy Making, which being in the Dutch Language, was directed to be translated into English.

Mr. D. Dixon laid before the Meeting a Paper containing his ideas on Wine Making, which was read.

Mr. F. Collison delivered a Paper on the subject of red Wine Making, which was read.

The Chairman laid before the Committee three publications on Wine Making (Chaptal, 2 vols., Madame Garvais, 1 vol.), which His Excellency the Governor has transmitted to him for the benefit of the Committee.

It was resolved that the grateful thanks of the Committee be given to His Excellency Lord C. H. Somerset, for his having contributed to the information of the Committee by the publications which His Excellency has kindly transmitted to them through the Chairman.

Received from Mr. F. Mabile some extracts from Chaptal on Wines.

The Committee adjourned until Thursday morning next, at 11 o'clock. Conformably to the first Resolution proposed at the General Meeting, by His Excellency the Governor, the Committee are very desirous of rendering their labours as useful as possible, on the important subject they are engaged in, they take this opportunity of again soliciting all information which may have fallen under individual observation, either verbally at their weekly sittings, or in writing. They hardly need express their belief, where all are so deeply interested, and the Colony itself almost for its existence, that no one will be backward.

All communications to be addressed to W. Hawkins, Esq., Chairman of the Cape Wine Trade Committee, Commercial Exchange.

Remarks on the Improvement of Cape Wines, furnished to the Committee by the Gentlemen whose names are subscribed.

GENTLEMEN,—At the meeting of the Committee held on Friday last, we were requested to furnish the Committee with our opinions upon the treatment of Cape White Wines for the approaching Vintage.

We have to suggest that it would be premature in us to lay down a general rule for the guidance of the Wine Grower. A recommendation of that nature ought to be the result of attentive and repeated experiments, with conclusions elucidated by experience ; and this must be the unanimous aim and labour of the Committee, which his Excellency the Governor has been pleased to express so judiciously in his speech, as advertised in the *Cape Town Gazette* of 27th inst. ; for if we could at this moment disclose the secret of improving the Cape Wine, the labours of the Committee would cease to be of utility. However, to comply with the request of the Committee, as well as the shortness of the time will admit, we have busied ourselves to trace what provisional trials (merely in small quantities) might be made at the approaching Vintage with expectation of success ; and which may serve to shew us the means whereby

our Cape White Wines may be improved and whereupon we take the liberty to make the following propositions :—

Particular attention ought to be taken in selecting the grapes before they are pressed, by separating all unripe, injured, or spoiled grapes, which would tend to give the Wine an unpleasant flavour or taste. The stripping or sifting the grapes is a method from which much good may arise, particularly from the accustomed manner here of fermenting in the tub (kuip).

Some gentlemen, who have been particularly successful in making good Cape Wine, are of opinion, that the grape having been trodden, the Must ought immediately to be separated from the husks, and put into a leager to ferment, in which it ought to be kept filled up for some successive days, for the purpose of assisting the must to throw off its scum and impurities, which may be received in a tub or bucket, placed under the cask, and can be added to the husks intended for ordinary Brandy. As long as the must is under its first powerful fermentation and runs over at the bung-hole, it must be left open ; but after it subsides it is customary to place a Vine leaf on the bung-hole, and the bung loosely on it. The must should be allowed to remain in that state till its sweetness has left it, and the dryness of the Wine requires to be racked off into a clean cask, sulphured with a small piece of brimstone, the length of a few inches. If it be found, by this turning over, that the must (or now Wine) is poor and weak, one gallon (or more) of good rectified spirit, is to be added to each leager, as the must (Wine) may require it. Afterwards, the Wine should be allowed to remain in this state, till a second and third racking is required to cleanse it, and at each time a small quantity of spirit ought to be added.

This is only advanced for a provisional trial for the approaching Vintage, and as it is to be supposed that the Wine made in this manner will have less of the accustomed earthy flavour, which has been so injurious to the character of our Cape Wines, we should recommend (in order to acquire more information) to take grapes of different maturity for three different experiments, viz.

- | | | | | | | | |
|-----|------|------|----|-----|-----|-------|-----------|
| 1st | with | such | as | are | not | quite | ripe, |
| 2nd | | „ | „ | | | | ripe, |
| 3rd | | „ | „ | | | | overripe, |

whereby, very likely, the weighty question will be explained—in what state of maturity the best flavoured Wines may be produced in this Colony.

It is supposed that those who intend to try the above experiment will not use such grapes as, from the Vines untimely shedding of their leaves, indicate that the soil upon which they stand is of a salt, brackish, or burnt nature; such grapes can, however, be used for distilling Brandy.

As it is not practicable without sufficient experience, at this moment to offer a more general proposition for the improvement of the White Cape Wines, it is however necessary to recommend to the Wine Grower most earnestly to desist from using bad spirits, or the common Cape Brandy, which, instead of improving the Wine, communicates its bad qualities and renders the Wine unfit for any further improvement.

A detailed account, shewing how good spirit is to be made, will be prepared and hereafter made public. For the present we have only to state, that good spirit can be made from the poorest Wines, which are not thick or muddy. In distilling, the greatest attention must be paid to the spirits being drawn off slowly, with care that the feints (naaloop) are kept separate. In order to give it more perfection and strength it should be distilled a second time, and if any unpleasant taste or flavour might be observed in the spirits of the first distillation, an addition of fresh burnt powdered charcoal, not quenched by water but in a closed pot or vessel, ought to be made at the second distillation, care being taken also here, that the feints are not mixed with the good spirit.

Before undertaking the second distillation, it will be necessary to clean the kettle, helm, and worm, which can best be effected in the following manner: after they have scoured with ashes (the last by means of a rag attached to a piece of rattan) by filling the kettle a quarter full with water, and boiling it so that the steam of the hot water is pressed or driven through the helm and worm, whereby in an hour or half an hour the detrimental flavour will be removed.

The time being too short to give a more detailed and theoretical explanation of the grounds upon which these experiments are founded, we have been obliged to limit ourselves to these mere statements, which are drawn up in the plainest manner

for the comprehension of the Wine Growers, having only in view to comply with their wishes (expressed to the Committee) as far as lay in our power. With respect &c.

(Signed) F. Roos, Js.,
F. J. BECKER,
P. H. POLEMANN.

CAPE TOWN, *January* 1826.

*Remarks on making Cape Wine, furnished by MR. DANIEL
DIXON, 30th January, 1826.*

It may be as well to state it as my opinion, that the Wines fittest for their imitation will be *Sherry*, a Wine of Spain—a Wine which is particularly strong and full bodied with a slight but agreeable bitter taste.

It is also my opinion that hardly any case can exist in which it is not injurious to the Wine fermenting in open vats. By fermenting in open vats, two very essential principles for making good Wine are allowed to escape, viz. Flavour and Alcohol, at the same time, I cannot deny but a case may occur in which the fermentation may become so languid that the admission of the atmospheric air is necessary to revive it.

I cannot press too much upon the attention of the Wine Grower the necessity of his losing no part of the substance of the Grape (which is usually called the *Kracht*); whether he takes out that substance by a screw-press, or by putting the husks of the grape into his Fermenting Tun, keeping them well mixed up with the liquid, whilst fermenting, will be hereafter determined by experiments, which he is particularly requested to make on Grapes grown separately on the driest and wettest parts of his Vineyard.

The principle of gathering the Grapes before they are at maturity is not recommended generally to be pursued, only as Trials; the Wine Grower must be aware his must will be weak and watery if the grapes are not fully ripe, and he will have a greater quantity of boiled must to add to give his Wine body. He must well understand, boiled must can only be used with advantage before the first fermentation (in his tun) in using it, it is to be considered only as so much sugar added to his must, or in other words, so much water taken from it.

The general practice pursued in Spain, in making Sherry, is to cut the grapes before they are at complete maturity, exposing them two days to a dry sun, spread out on matted work, turning them occasionally—this for the purpose of extracting (evaporating) a portion of the watery principle, slightly sprinkling them with unslacked lime, then giving them to the press, first wetting them with pure alcohol (brandy). Sprinkling the grapes with unslacked lime has two effects : absorbing water, and neutralizing a portion of acidity. Alcohol gives body to the Wine.

It is particularly recommended that each Wine Grower should provide himself with a screw press ; after the grapes have been trodden in the usual way, the must of such treading thrown into his tun, both stalks and husks should be committed to the screw-press. He must be careful to give this must so received from the screw-press to the liquid obtained by previous treading, the principal body or substance is extracted by the screw ; when he has no screw it is recommended the husks only should be put into the Tun.

I am strongly of opinion that 6 leaguer vats for the second fermentation are too large. When practicable, the Wine Grower would do well to use leaguer casks.

It is desirable that the Wine Grower should be convinced that the more alcohol (brandy) he can introduce into his must, or wine, whilst in either a full fermentation or in what is usually called the insensible fermentation, without, however, giving so much that he check the fermentation, the better his Wine will be,—checking fermentation will make the Wine ropy, cloudy, and of an impure taste.

In pursuing the principles of making Cape Wines to imitate Madeira, the grapes should be fully ripe. Red and white grapes used in nearly equal proportions, both husks and stalks submitted to the screw-press, and pipes or leaguers only used to ferment their must in, to be particular in taking the juice obtained by pressing, and mix it with that obtained by treading, it contains the principal and best substance of the grape ; without it the Wine will be weak and watery. Fermentation should be kept up by stirring the liquid two or three times a day, until it has assumed its full properties of Wine of a dry and firm flavour. Unslacked lime and alcohol may here be

used with advantage, if the Wine Grower is of opinion his must is weak and watery ; lime will absolve a portion of water, and neutralize some of that malic-acid, which a weak Wine always has a tendency to run into. According to the present system, it is in this stage the Wine Grower experiences the greatest difficulty, he checks the fermentations to prevent the acetous commencing, the result is, a ropy and racy Wine, impure in flavour, with a constant tendency to commence a second fermentation to divest itself of this racy substance.

The more the Farmer can clean his grapes, previous to putting into his press, of the rotten, musty, or unripe berries (korrels) it will be clear to him he takes so much of the impurities away. In proportion as the Farmer either takes out the substance (kracht) from his grapes by the screw-press, or increases the substance (kracht) of his must by the addition of boiled or evaporated must, or in the addition of alcohol (pure Brandy), it will be also clear to him, it will require a longer time to ferment, and more stirring, to keep up that fermentation. The Farmer must never forget that sugar is the true mother of alcohol (Brandy), and the more he can evolve (convert) into Brandy by fermentation, the stronger and fuller bodied will be his Wine, and he may be assured, cleaner in flavour.

In some vineyards, or parts of vineyards, the farmer may, with advantage, use some stalks as well as husks in fermentation, such as wet ground, or where much manure has been used, the Vine much forced, the grape watery and weak ; though the farmer will be well satisfied this will never be good Wine—its fittest use will be for Brandy.

The use of pure spirit is particularly recommended ;—to obtain it, I recommend the practice laid down by Mr. Polemann.

The Farmer need be under no apprehension that using Lime and boiled must will give his wines any improper taste, when used with caution. The Lime must be unslacked (ongebtusht).

The Farmer is particularly requested to keep in view, that *quality*, and not *quantity*, should be his object. The competition amongst the Wine Merchants to get good Wine, he may be assured, will fully repay him for any extra labour he may require in preparation.

DAN. DIXON.

At a Meeting of the Cape Wine Trade Committee, held the 2nd February, 1826, William Hawkins, Esq., in the Chair.

Present: Commissioner Bigge, Commissioner Colebrooke, Commissioner Blair, Dr. Atherstone, G. J. Vos, Esq., F. Becker, Esq., W. F. Versfeld, Esq., J. Cloete, Esq., S. van Reenen, Esq., J. Beck, Esq., D. Dixon, Esq.

It was proposed, conformably to a resolution passed at the General Meeting, that a Subscription List be opened to the Public at large. That the Chairman present it to His Excellency the Governor, Sir Richard Plasket, Sir John Truter, and other heads of public departments; that it afterwards be left for signature at the Commercial Hall, Bank, and Burgher Senate House, and sent to each of the Sub-Committees.

His Excellency the Governor forwarded through the Chairman Mr. A. Muller's statement on his method of making Cape Wine.

Mr. S. van Reenen in reference to that part of Mr. Muller's recommendation for late pruning, stated, from his own experience, that he found pruning late after the Vine had budded, produced more Grapes; but they were of a watery nature, and hardly fit for the purpose of Wine, but he promised to send in a written statement of the different experiments he had made, by next meeting.

Several queries were proposed by the Chairman to be submitted to the Wine Growers for their remarks and answers, which being read, were ordered to be forwarded to the different Sub-Committees.

It was the opinion of the Committee, that experiments should be tried, superintended by such gentlemen of the Committee and others, as it is hoped will volunteer, on Grapes grown in the gardens above the town.

Mr. C. Cruywagen, and Mr. Hofmeyr, Ss., having kindly offered their vineyards with the necessary conveniences for that purpose, it was agreed their offers should be accepted, and the Secretary be requested to inquire of those gentlemen when the Grapes would be in a fit state of maturity.

It was agreed that the different statements delivered in to the Committee, on Wine-making, should be published separately in a small Pamphlet, both in Dutch and English, for the use of the Sub-Committees and Wine Growers in their neighbourhood.

[[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. W. HAY, ESQRE.*ABINGDON STREET, *February 3rd 1826.*

SIR,—I have the honor to acknowledge the receipt of your letter of the 29th ultimo, and to request that you will assure Earl Bathurst of my readiness to submit to whatever may be His Lordship's determination on the subject of my letter of the 17th ultimo. But as His Lordship appears to judge of the extent of the duties hitherto executed by Mr. Knyvett, from the number of officers who have embarked for the Cape, I humbly beg to submit that those duties by no means consist merely in making single payments to the officers on embarkation. All the officers belonging to the Cape Corps who may be in England, those who come home on leave of absence, and those who, though appointed to the Regiment, never proceed to join it, were, together with those who remain in this country till an opportunity for embarkation presents itself, paid by him. For each of these officers a separate account of Debtor and Creditor is kept as to their pay, and other accounts are kept of their commission fees and contributions to the Mess and Band. In addition to these payments, there are occasionally some for non-commissioned officers and privates. In order that Lord Bathurst may see more precisely the duties performed by Mr. Knyvett, I take the liberty of enclosing the accounts of the last five years. It will be perceived that the payments far exceed those of which His Lordship was aware; and I am sure that I need not beg you to represent that money transactions, especially when several individuals are concerned, occasion much more trouble than is apparent on the face of an account.

Under these circumstances I hope that I shall be pardoned for soliciting a reconsideration of Lord Bathurst's decision.

I have &c.

(Signed) THOS. PER. COURTENAY.

(It cannot be necessary to copy the long enclosures in this letter.—G. M. T.)

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR R. PLASKET.

DOWNING STREET, LONDON, 3rd February 1826.

DEAR SIR,—Mr. Wilmot Horton having put into my hands your Letter of the 27th May last, I have taken an opportunity of requesting Lord Bathurst's commands upon the subject of it ; and without stopping now to comment on the abuse which appears to have crept of late into the management of the *Constantia*, I shall proceed to acquaint you with the view which his Lordship takes of the subject generally.

In the first place Lord Bathurst is decidedly of opinion that every thing should be done to restore to the annual supply of this Wine its true and proper character of a tribute in kind ; and consequently that no expenditure whatever should be incurred on account of it. For this purpose it will be necessary that the quantity supplied should be limited to one half ; for under no circumstances could more be required.

Lord Bathurst is not of opinion however that the obligation to be imposed on the owner of the vineyard to supply this moiety of the usual quantity without payment, should be an unconditional remission of the other moiety, for if the information which his Lordship has received respecting the value of the wine in the Cape Market be true, the owner of the Farm would make by this arrangement a profit much too large to be overlooked. His Lordship would therefore propose that some arrangement should be made for estimating from time to time the price of the remaining Sixty half aums of the supply, and the difference between their value in the market and the price at which it would be obligatory on the farmer to furnish them to Government, would furnish the amount of the payment which would annually accrue to the Colonial Treasury under the new arrangement.

It is possible that you may find it necessary to modify this proposal, or that you may even improve it to the advantage of the Public ; but Lord Bathurst entertains no doubt that you will be able to come to some satisfactory arrangement with the Farmers of the vineyard which shall effect the object which he has in view.

I am further desired to call your attention to the propriety of reviving the old regulations, if they have been overlooked, for ensuring a proper selection of the Wine, and I shall only add that his Lordship entirely approves of your suggestion for locking up the Wine under the custody of the Custom House.

Yours &c.

(Signed) R. W. HAY.

P.S. To prevent any misunderstanding I will just add that whatever you do, you are not to consent to take any portion of the other moiety of the Wine for the purpose of being sold to Government Account.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LORD CHARLES SOMERSET.

CAPE TOWN, 3rd February 1826.

MY LORD,—In the course of our inquiry into the Restrictions to which the use of the Press may have been subject in the States of Holland anterior to the year 1795, the period at which this Colony was surrendered to His Majesty's Arms, we have met with the several Enactments that we have the honor to enclose, and although they may not be considered to be binding upon the Inhabitants since the Proclamation of Sir George Yonge issued in the year 1800, yet we are justified in maintaining that if a Printing Press and Materials had been introduced into this Colony by Dutch authority anterior to that period, it would have been made subject to the same restrictions that appear to have been enacted and declared by the States of Holland in the years 1726 and 1744. As we understand that some question has been made respecting the nature and effect of Sir George Yonge's Proclamation, we have thought that it might be useful to submit to your Lordship's attention the state of the Law of Holland respecting the Press, which in the absence of any local or Colonial Regulation would

have been considered applicable to it here in the hands of individuals. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

Placaat against the selling of Pasquils and scandalous prints,
9th December 1702.

The States of Holland and West Friesland to all who shall see or hear read these presents greeting :

Whereas it has come to our knowledge that notwithstanding our former placaaats, several scandalous or defamatory libels and prints are made, disposed of, and sold, tending to the injury of crowned Heads and other High Foreign personages, that also in the licenced *Gazettes* and other Newspapers the respect which is right and proper in this regard is not observed, and likewise that some of those *Gazettes* and Newspapers are printed and divulged without due permission. We have therefore, in order to provide against the same, found good, expressly to forbid, and we hereby forbid accordingly, the making, printing, selling, or divulging of any sort of scandalous or defamatory libels or prints under whatever name or title they may be, whether with or without the name of the maker or printer, or to bring any into these countries, made or printed elsewhere, should they tend to the injury and vilification of any crowned heads or other foreign potentates.

In like manner we also expressly forbid any *gazettes* or other newspapers, under whatever name they may be, to be printed or divulged, or being printed elsewhere, to bring in, sell, or divulge them, without having the permission of the Magistrate of the place of their residence so to do, and having received such permission, to give the smallest offence therein to any crowned heads, High foreign Personages or others of whatever state or condition they may be, each and every point hereof on the pain of being discretionally and according to the exigencies of the case corporally corrected and punished.

And we further hereby expressly order and direct all prose-

cutors and Judges in this our Country aforesaid, that they shall strictly and precisely execute, and cause to be executed, this our present Placaat, according to its form and tenor without any dissimulation or connivance, on pain as contained in the former placaaits, which we understand to remain in full force, in as much as nothing to the contrary is disposed herein.

And that no persons may pretend ignorance hereof, we desire that this shall be published and fixed in the proper and usual places.

Done at the Hague, under the Seal of the Country, on the ninth day of December one thousand seven hundred and two.

By order of the States.

(Signed) SIMON VAN BEAUMONT.

[Enclosure 2 in the above.]

Placaat against slanderous and defamatory writings, Libels or Pasquils. 21st January 1726.

The President and Members of the Court of Holland, Zeeland and Friesland.

Whereas it has come to the knowledge of the Court that for a considerable time past, and especially lately, the licence in the making, publishing, printing and disseminating of dishonoring and defamatory slanderous Writings and libels has again encreased in a most foul and exorbitant manner, not even respecting therein matters of Religion, nor refraining from attacking and publishing affairs of the State and of Government, notwithstanding the numerous placaaits which have been enacted against the same by their High Mightinesses the States of Holland and West Friesland, as well as the most serious provisions which have been made by us in this respect, and as these bold undertakings cannot be considered otherwise than as gross acts of vilification, injury and contempt, touching the sovereignty of the Country,

We have therefore, in order to give another proof of the activity of justice being executed and carried into effect, the prompt pursuit and administration of which shall be regarded without any connivance or delay, judged proper again to inter-

dict and forbid anew, and we hereby interdict and forbid accordingly, the making, publishing, printing, divulging and disseminating of any dishonoring or defamatory slanderous writings, libels, or pasquils, and also the printing or publishing of writings on matters of Religion or State which could in any respect, offend, impede or injure the same, and for this purpose expressly to direct accordingly that no person whomsoever shall presume to publish or have printed any writings of whatever nature they may be, unless the original be signed by the Author or publisher; who must also be known, and for as far as these writings regard matters of Religion or State they must be accompanied with the permission or authority required in this respect, according to the Orders of the Country.

That none of the printers in these countries shall undertake to print any writings unless they be authorized and signed as above-mentioned, which signature and authority they must always keep, and be obliged to exhibit if required.

That none of the printers shall presume to produce, still less to dispose of, send away, or sell, any printed papers, whatever nature they may be, from their printing office, unless their names and places of abode be affixed and printed thereon, in default of which the Printers shall be considered as the authors.

That each and every person shall take care not to receive any printed or written libels coming from abroad, or having received them through inadvertence, dispose of or divulge them.

That no person whomsoever shall venture to purchase, to traffic, to have either publickly or privately, to keep or to shew, and still less to disseminate and spread, or cause to be disseminated and spread, directly or indirectly, any printed papers of the nature above-mentioned, to which the name and residence of the printer are not affixed.

But on the contrary that every person shall be bound, when any of the aforesaid prohibited writings or libels, printed or written, whether within or out of these Countries, come to his knowledge, immediately to give information of, or to make known the same, and also, should he have it in his power, to deliver them up, with the name of the author or holder should he know it, to the Attorney General, or to the respective public prosecutors of the places where such may happen.

And we hereby order and direct the Attorney General and

the respective public prosecutors in these Countries to take particular care that these orders be not transgressed, either generally or in any point, but that they be strictly and precisely followed and observed in every respect, without neglect hereof, and to proceed against transgressors with the utmost rigour, not only for the punishment enacted by former placats, but in consequence of the perseverance and obstinacy (notwithstanding so many Placats have been published) with which this malicious and criminal conduct is daily committed, even for greater punishments, whether for banishment or corporally, and also for confiscation of goods so as shall be found proper, according to the exigencies of the case, the Attorney General being especially directed to take care of, to the utmost, and act for the rights of the Supreme Government within this province, against the public prosecutors who may be neglectful in this respect.

Done in the Court, 21 January 1726.

In my presence.

(Signed) JOAN THIERY.

[Enclosure 3 in the above.]

Against Sedition, Murmuring, Pasquinades, Insolence, &c.

Resolution of the States of Holland whereby further orders are enacted respecting the printing, selling or publishing of Newspapers, Gazettes, or other novelties. The 5th June 1744.

The Grand Pensionary has reported to the Council the considerations and advice of the Gentlemen of the Knighthood, and the further great and mighty Commissioners having deliberated pursuant to, and in compliance with, their Resolutions of the 15th April last, on what orders could and ought to be enacted to curb and prevent the licence of some of the Editors, which increases more and more ; and having examined pursuant to, and in compliance with, their Resolution of the 2nd Instant, a Letter from their High Mightinesses of the 29th May concerning the same subject, and which contains requests that their Great Mightinesses might be pleased, the same as has been done by the States in the other provinces in which newspapers

are published, to enact sufficient orders against the same, more amply stated in said letter, and in the Records of the 2nd Instant.

Having deliberated thereon, it was found good and understood that Letters shall be written to the Burgher Masters and Magistrates of the towns, Members of this Council, each in his Town, and to the Commissioned Members in both the Quarters respectively in the further towns and places, to take care that no Newspapers and Gazettes or other novelties under whatsoever Title, be printed, sold, or published, or being printed elsewhere, introduced, sold or published, without due permission having been previously applied for and obtained thereto, and that in such Newspapers, Gazettes or other novelties for which permission has been obtained, the smallest offence be not given to any crowned Heads, High Foreign personages, or others of whatsoever state or condition they may be, and that those who act contrary hereto may be corrected and punished according to the tenor of the placaat of their Great Mightinesses of the 9th December 1702.

That also they are to be vigilant that the Resolution and letters of their Great Mightinesses dated the 4th September 1659 be observed, by which the printing and selling of propositions, letters, Resolutions, Reports, or other acts of the State are forbidden ; and therefore in none of the said Gazettes or Newspapers whatsoever any such Documents, among which are included Memorials from the Ministers of Foreign Powers to their High Mightinesses, be inserted either entirely or by extract, and that those who act contrary hereto shall be likewise corrected and punished according to the Placaats and Resolutions in force.

That information hereof shall be given by their Great Mightinesses, the Deputies of the generality, to their High Mightinesses, to serve as an answer to their above-mentioned letter, adding that their Great Mightinesses together with their High Mightinesses, consider it useful and necessary that the license of news-writers be curbed and restrained ; but conceive that in order to make it properly efficacious, a general law equally practicable and executive in all the Provinces and the district of the generality is necessary, and that their Great Mightinesses are ready and willing, together with the other confederates, to

assist in establishing the same, for which purpose it will be agreeable to them that a plan be formed by their High Mightinesses.

That at the same time endeavours shall be used that as the provisional Regulations made by their Great Mightinesses as above mentioned will not be of sufficient effect unless a similar order be established in the other Provinces in which such Newspapers are printed and published, or otherwise divulged, the same shall be seriously recommended by their High Mightinesses to the States of the six other Provinces, and this till such time as a General Law shall be enacted, which, the sooner the better, ought to be done.

A true translation.

(Signed) H. MURPHY, Sworn Translator.

[Original.]

Letter from MR. WILLIAM SHEPHERD to EARL BATHURST.

NO. 1 CROWN COURT, 3 February 1826.

MY LORD,—In reply to Your Lordship's favor in behalf of the families and children of certain settlers at the Cape of Good Hope, in which your Lordship states that "upon enquiry into the extent of the expence of their transport, the amount appears too great for your Lordship to hold out any hopes for its accomplishment," I can assure your Lordship the expence is in no way equal to the benefit that will result to the Colony independent of the consideration of the feelings excited for the at present fatherless, mothers, and children, and I beg to inform your Lordship that, upon a minute enquiry which I have made among merchants and respectable brokers, the amount will not exceed £5,000, the accommodation and comforts to be according to the enclosed scale, which is a liberal one.

At the close of the communication the good feeling of your Lordship for the destitute has induced you to offer on the part of his Majesty's Government to bear half the expence, upon my giving security for the due performance of the other half to be

paid by fixed instalments. This, my Lord, would place me in most difficult circumstances, as I have but few heads of families to contract with, and your Lordship is well aware I cannot make contracts binding with women and children whose husbands and fathers are at the settlement, or on the relatives after the family has landed, and therefore I trust the liberality of Government will be further extended to defray the whole of the expence.

My Lord, in behalf of myself allow me to say that commiserating the situation of your petitioners and in consideration of the interests of my brother colonists, I have undertaken this cause, and desire only the reimbursement of the expences I have already incurred and to be further incurred, and still sanguine in the ultimate prosperity of the Colony of Settlers in Albany, South Africa, sent under your Lordship's patronage, of which your humble servant was one, I shall with pleasure return amongst them, and remain &c.

(Signed) WM. SHEPHERD.

(The enclosure need not be given. The persons for whom assistance is asked are said to be equal to two hundred statute adults, and the expense of conveying them to Albany is estimated at £4,884 3s. 4d.—G. M. T.)

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 4th February 1826.

MY LORD,—I have the honor to transmit to your Lordship Copy of a letter which has been addressed to me in Council by his Majesty's Commissioners of Inquiry, stating their wish to peruse the Minutes of Council and to call upon the Individual Members of that Board for information as to the nature and mode of the Proceedings in Council, together with the Resolutions of Council thereon. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from MR. LANCELOT COOKE to EARL BATHURST.*2 ABCHURCH LANE,
LOMBARD STREET, *February 4th 1826.*

MY LORD,—So long a period having elapsed since my Case was submitted to His Majesty's Government, relative to the grievances sustained by me at the Cape of Good Hope, that I cannot but suppose the Report of the Commissioners of Inquiry to whom the same was referred has by this time been received.

I respectfully therefore beg leave to call your Lordship's attention to the subject, and trust that the temperance and patience which I submit I have hitherto manifested in a matter of such great and *vital importance to me* will induce your Lordship to pay that attention to the case which it deserves, and to favour me with as early an answer as possible.

I have &c.

(Signed) LANCELOT COOKE.

[Original.]

*Letter from LIEUTENANT COLONEL BIRD to R. W. HAY, ESQRE.*17 CHARLES STREET,
MANCHESTER SQUARE, *6th February 1826.*

SIR,—Perceiving from your letter of the 2nd instant that my Lord Bathurst has expressed himself satisfied with the letter I transmitted to you for the Governor of the Cape of Good Hope, I beg you may now be pleased to pray his Lordship to authorise the Agent of the Colony to issue to me such proportion of Pension at the rate of £600 per annum as is due to me from the 3rd June 1824, under the arrangement which has already received his Lordship's sanction. I am &c.

(Signed) C. BIRD.

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